



# County of San Diego

DEPARTMENT OF ENVIRONMENTAL HEALTH  
5570 OVERLAND AVENUE, STE. 102, SAN DIEGO, CA 92123  
Phone: (858) 694-2888 FAX: (858) 571-4268  
1 (800) 253-9933  
[www.sdcdeh.org](http://www.sdcdeh.org)

**May 24, 2012 October 31, 2012**

## **CEQA Initial Study - Environmental Checklist Form (Based on the State CEQA Guidelines, Appendix G Rev. March, 2010)**

1. Title; Project Number; Environmental Log Number:  
An Ordinance Amending Title 6 of the San Diego County Code relating to Vector Control to Establish a County-wide Eye Gnat Program; ER#12-00-001
2. Lead agency name and address:  
County of San Diego, Department of Environmental Health  
5570 Overland Avenue, Suite 102  
San Diego, CA 92123
3. a. Contact: Linda Hollingsworth, Program Manager  
b. Phone number: (858) 694-2888  
c. E-mail: [eyegnat@sdcounty.ca.gov](mailto:eyegnat@sdcounty.ca.gov)
4. Project location:  
The proposed amendment would apply to all land within the County of San Diego that supports the development, attraction or harborage of eye gnats, including organic farms.
5. Project Applicant name and address:  
County of San Diego, Department of Environmental Health  
5570 Overland Avenue, Suite 102  
San Diego, CA 92123
6. General Plan  
Community Plan: All incorporated cities and all Community and Subregional Plan Areas in the unincorporated San Diego County  
Land Use Designation: Variable  
Density: Variable

7. Zoning  
Use Regulation: Variable  
Minimum Lot Size: Variable  
Special Area Regulation: Variable

### Project Description

The County of San Diego is proposing to adopt an ordinances to amend Title 6 of the San Diego County Code relating to vector control to establish a County-wide (incorporated cities and unincorporated area) Eye Gnat Program and amend the County Administrative Code to establish an Eye Gnat Abatement Appeals Board. The proposed ordinance would add eye gnats to the definition of a "vector" in Chapter 2 of Division 4 of Title 6 of the San Diego County Code thereby allowing abatement actions to be taken when it is determined that eye gnats are causing a nuisance to the public. A new chapter (Chapter 4) would be added to address eye gnats on commercial organic farms. ~~A Draft Ordinance incorporating most program features is included as Attachment A.~~

The proposed Eye Gnat Program and Ordinance would implement a progressive strategy for intervention when commercial organic farms cause an eye gnat nuisance by employing the following measures:

- Provide commercial organic farmers a reasonable opportunity to work with the Farm and Home Advisor to develop and implement a voluntary eye gnat abatement plan, before a mandatory abatement order could be issued.
- Issue mandatory orders, when necessary, to employ proven eye gnat abatement measures or proven Best Management Practices (BMPs). These BMPs include, but are not limited to: preventing fresh vegetation from being turned into the soil, limit tilling (no-till), selecting organic fertilizers that are not a good food source for developing eye gnats, ~~using organic pesticides~~, providing appropriate barrier or buffer crops (without ordering treatment of the buffer crops with pesticides) adjacent to the community ~~which consist of buffer crops treated with conventional pesticides~~, trapping eye gnats, installing physical barriers or fences, the use of soil coverings, and requiring fallow or dry periods for fields hosting eye gnats. Attachment B A to this Initial Study includes the memo on *Best Management Practices Eye Gnat Control on Organic Farms*. This document is a step-by-step method of developing BMPs and validating their effectiveness. In addition, the memo includes a description of the potential environmental effects for each BMP.
- Establish an Eye Gnat Abatement Appeals Board (EGAAB) whose members will include commercial organic farmers, technical experts and community representatives appointed by the Board of Supervisors, to hear administrative appeals of DEH orders.
- Authorize the Director of DEH to ~~require the use of conventional pesticides on organic crops or fields, or to restrict the crops that could be grown organically~~

on a farm, as a last resort when eye gnats cannot be controlled by any other method. ~~Under this program DEH could only require the use of five conventional pesticides: Acephate, Malathion, Diflubenzuron, Cyromazine, and Cyfluthrin. Information regarding each of these pesticides is included as Attachment C.~~

8. Surrounding land uses and setting:

San Diego County is bordered on the west by the Pacific Ocean, to the east by Imperial County, to the north by Orange and Riverside Counties, and to the south by Mexico. The County terrain varies from west to east, sloping up from the ocean, transitioning to rolling hills and then steep mountains that finally give way to flat to gently sloping deserts.

The County is a generally semi-arid environment and supports a wide range of habitats and biological communities. These habitats and communities range from grasslands to shrublands to coniferous forests. Additionally, these habitats and communities vary greatly depending on the eco-region, soils and substrate, elevation and topography.

The urban areas of the County are predominantly in the west, either surrounding the City of San Diego, or interspersed between the City of San Diego and the cities in Orange and Riverside Counties. Further east, the land is less developed, with the largest developed area in the eastern portion of the County being the community of Borrego Springs. The eastern portion of the County is unincorporated and mostly undeveloped. The areas that have been developed in the eastern portion of the County have been predominantly developed in a rural fashion, with large lot sizes, agricultural or related uses, and have limited infrastructure and service availability.

The County is serviced by the Interstates 5, 15, and 805 that all run north and south throughout the western portion of the County and Interstate 8 that runs east and west throughout the southern portion of the County. Additionally, the County is serviced by State Highways 76, 78 and 94 that all run east and west across the County and State Highways 67, 79 and 163 that all run north and south across the County.

While this program would apply County-wide, it would be implemented only in response to community complaints of nuisance impacts from eye gnats. At this time, substantial numbers of complaints implicating organic farms as causing an eye gnat nuisance have been received for only two farms, the Bornt farm in Jacumba, and the Be Wise Ranch farm in the City of San Diego's San Pasqual agricultural preserve near unincorporated south Escondido. The two farms are distinguished from the many other organic farms in the County by being very large, and being located near residential areas. The Bornt farm ~~grows~~ grew organic lettuce and spinach on about 500 acres of essentially flat land. ~~and. (Until recently, a larger area was farmed.)~~ The nearby community is also on flat land. The farm closed June 30, 2012. The Be Wise Ranch grows a wide variety of organic crops on 220 acres of gently sloping land. This farm is narrow for its size, confined on one side by steeper terrain and developed residential areas,

and on the other by an unfarmed open space buffer area along a creek. The creek drains into Lake Hodges.

9. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

<b><u>Permit Type/Action</u></b>	<b><u>Agency</u></b>
Adoption of the Eye Gnat Ordinance and Program	County of San Diego

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The environmental factors checked below would be potentially affected by this project and involve at least one impact that is a "Potentially Significant Impact" or a "Less Than Significant With Mitigation Incorporated," as indicated by the checklist on the following pages.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> <a href="#">Aesthetics</a>               | <input type="checkbox"/> <a href="#">Agriculture and Forest Resources</a> | <input type="checkbox"/> <a href="#">Air Quality</a>                        |
| <input type="checkbox"/> <a href="#">Biological Resources</a>     | <input type="checkbox"/> <a href="#">Cultural Resources</a>               | <input type="checkbox"/> <a href="#">Geology &amp; Soils</a>                |
| <input type="checkbox"/> <a href="#">Greenhouse Gas Emissions</a> | <input type="checkbox"/> <a href="#">Hazards &amp; Haz. Materials</a>     | <input type="checkbox"/> <a href="#">Hydrology &amp; Water Quality</a>      |
| <input type="checkbox"/> <a href="#">Land Use &amp; Planning</a>  | <input type="checkbox"/> <a href="#">Mineral Resources</a>                | <input type="checkbox"/> <a href="#">Noise</a>                              |
| <input type="checkbox"/> <a href="#">Population &amp; Housing</a> | <input type="checkbox"/> <a href="#">Public Services</a>                  | <input type="checkbox"/> <a href="#">Recreation</a>                         |
| <input type="checkbox"/> <a href="#">Transportation/Traffic</a>   | <input type="checkbox"/> <a href="#">Utilities &amp; Service Systems</a>  | <input type="checkbox"/> <a href="#">Mandatory Findings of Significance</a> |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ On the basis of this Initial Study, the Department of Environmental Health finds that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ On the basis of this Initial Study, the Department of Environmental Health finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ On the basis of this Initial Study, the Department of Environmental Health finds that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

~~May 24, 2012~~ October 31, 2012

Signature	Date
Linda Hollingsworth	Vector Control Program Manager, Department of Environmental Health
Printed Name	Title

**INSTRUCTIONS ON EVALUATION OF ENVIRONMENTAL IMPACTS**

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, Less Than Significant With Mitigation Incorporated, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “Less Than Significant With Mitigation Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance

**I. AESTHETICS** -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** A vista is a view from a particular location or composite views along a roadway or trail. Scenic vistas often refer to views of natural lands, but may also be compositions of natural and developed areas, or even entirely of developed and unnatural areas, such as a scenic vista of a rural town and surrounding agricultural lands. What is scenic to one person may not be scenic to another, so the assessment of what constitutes a scenic vista must consider the perceptions of a variety of viewer groups.

The items that can be seen within a vista are visual resources. Adverse impacts to individual visual resources or the addition of structures or developed areas may or may not adversely affect the vista. Determining the level of impact to a scenic vista requires analyzing the changes to the vista as a whole and also to individual visual resources.

The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The only potential visual impact would be from the installation of barriers on the farm in order to control the egress of eye gnats from that particular farm. The barriers would likely consist of typical silt fencing materials and be up to 42 inches (or 3 feet, 6 inches) high. The installation of barriers would not substantially change the composition of an existing scenic vista in a way that would adversely alter the visual quality or character of the view because the temporary structures have a low profile, are linear features that follow topography, and are consistent with other kinds of agricultural uses. In fact, one of the farms of concern ~~currently~~ utilized silt fencing as an abatement measure. Therefore, the proposed project will not have a direct or cumulative adverse effect on a scenic vista.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** State scenic highways refer to those highways that are officially designated by the California Department of Transportation (Caltrans) as scenic ([Caltrans - California Scenic Highway Program](#)). Generally, the area defined within a

State scenic highway is the land adjacent to and visible from the vehicular right-of-way. The dimension of a scenic highway is usually identified using a motorist's line of vision, but a reasonable boundary is selected when the view extends to the distant horizon. The scenic highway corridor extends to the visual limits of the landscape abutting the scenic highway.

The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The only potential visual impact would be from the installation of silt fencing on the farm in order to control the egress of eye gnats from that particular farm. The barriers would likely consist of typical silt fencing materials and be up to 42 inches (or 3 feet, 6 inches) high. The installation of barriers would not substantially damage scenic resources in a way that would adversely alter the visual quality or character of the view because the temporary structures have a low profile, are linear features that follow topography, and are consistent with other kinds of agricultural uses. In fact, one of the farms of concern ~~currently~~ utilized silt fencing as an abatement measure. Therefore, the proposed project will not have a direct or cumulative effect on a scenic resource within a State scenic highway.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The only potential visual impact would be from the installation of barriers on the farm in order to control the egress of eye gnats from that particular farm. The barriers would likely consist of typical silt fencing materials and be up to 42 inches (or 3 feet, 6 inches) high. The installation of barriers would not substantially alter the existing visual character because the temporary structures have a low profile, are linear features that follow topography, and are consistent with other kinds of agricultural uses. In fact, one of the farms of concern ~~currently~~ utilized silt fencing as an abatement measure. Therefore, the project will not alter the existing visual character or quality of the project site and surrounding area.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |



## Discussion/Explanation:

**No Impact:** The project does not propose any use of outdoor lighting or building materials with highly reflective properties such as highly reflective glass or high-gloss surface colors. The Eye Gnat Program includes the use of solid plastic covers/row covers to prevent eye gnat emergence from the soil. However, the plastic covers are consistent with other kinds of agricultural practices and would not result in a substantial amount of glare. Therefore, the project will not create any new sources of light pollution that could contribute to skyglow, light trespass or glare and adversely affect day or nighttime views in area.

**II. AGRICULTURE AND FORESTRY RESOURCES** -- Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Important Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, or other agricultural resources, to non-agricultural use?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

## Discussion/Explanation:

**Less Than Significant Impact:** The proposed Eye Gnat Ordinance and Program would apply to lands within the unincorporated and incorporated County of San Diego, including land designated as Farmland, Unique Farmland, Farmland of Statewide or Local Importance designations. The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions could occur on existing land uses such as existing agricultural operations.

In the event abatement actions are taken to control eye gnats, the Ordinance does not require the cessation of farming and agricultural operations, nor the conversion of any farming operation to other non-agricultural uses. As a last resort, after the use of best management practices and eye gnat abatement measures, the Ordinance would authorize the DEH to ~~or the restriction on the growing of certain types of crops, the Ordinance would authorize DEH to require the use of conventional pesticides on organic crops or fields to control the eye gnat nuisance. An order to restrict the types of crops grown apply pesticides to organic row crops~~ would not preclude the continuation of conventional farming techniques or the substitution of alternative organic farming practices (e.g. orchards or animal keeping); thereby, allowing agricultural uses to continue on the property. Alternative organic farming practices, which historically have not harbored or generated eye gnats, include organic orchards or animal keeping practices. The acreage registered for organic production in San Diego County is about 15% of total agricultural acreage registered for production in the County. At least 43,500 acres in the County are farmed without organic production restrictions; these

operators are free to use pesticides as needed so long as they comply with state law and product label restrictions.

(Note: The percentage and acreage figures above are approximate, because registered land that is cropped multiple times in a year is counted more than once, both for organic and other crops. In addition, there are estimated to be hundreds of acres farmed in the County that have out-of-county organic registration or do not have Site Identification Numbers.)

Therefore, it is clear that farming can be continued even when abatement orders are required, ~~the use of pesticides is required and that pesticide use would not require the conversion of an organic farm to a non-agricultural use.~~ Therefore, Ordinance implementation would not result in the conversion of farmland to non-agricultural use.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** The proposed Eye Gnat Ordinance and Program would apply to lands within the unincorporated and incorporated County of San Diego, including lands zoned for agricultural use and designated as Williamson Act contract lands. The Ordinance and Program would not conflict with the existing zoning or Williamson Act contract due to the following factors:

1. **Implementation would not preclude agriculture from continuing on-site.**  
The Ordinance does not permit, nor require, that farming and agricultural operations be replaced and converted to other non-agricultural uses. As a last resort, when the gnats cannot be controlled by other methods, the Ordinance would authorize DEH to restrict the types of crops grown ~~require the use of conventional pesticides on organic crops or fields.~~ The ~~application of pesticides~~ restriction of certain types of crops which foster the generation of eye gnats, would not preclude the continuation of conventional farming techniques or alternative organic crops which do not foster the generation of eye gnats; thereby, allowing agricultural uses to continue on the property. ~~albeit without using organic farming practices.~~
2. **Implementation would not result in a rezone to a non-agricultural zone.**  
The project is a regulatory Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing agricultural operations. None of the abatement recommendations would conflict with existing zoning for, or cause rezoning of, agricultural land uses.

3. **Implementation would not result in a conflicting use, which would result in an indirect impact to agriculture.** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing agricultural operations. None of the abatement recommendations would create a conflicting use. As a last resort, the Ordinance would authorize DEH to restrict the types of crops grown ~~require the use of conventional pesticides on organic crops or fields~~ which would not result in a conflicting use. ~~The application of pesticides would not result in a conflicting use.~~

Therefore, there will be no conflict with either existing zoning for agricultural uses or a Williamson Act contract.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), or timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The Ordinance and Program would apply to both unincorporated and incorporated areas of the County of San Diego, including lands considered forest land. The County of San Diego does not have any existing Timberland Production Zones. However, the project is consistent with existing zoning and a rezone of any property is not proposed. Therefore, project implementation would not conflict with existing zoning for, or cause rezoning of, forest land, timberland or timberland production zones.

- d) Result in the loss of forest land, conversion of forest land to non-forest use, or involve other changes in the existing environment, which, due to their location or nature, could result in conversion of forest land to non-forest use?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public.

Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The ordinance and program would apply to both unincorporated and incorporated areas of the County of San Diego, including lands considered forest land. However, the project is consistent with existing zoning and a rezone of any property is not proposed. Therefore, project implementation would not conflict with existing zoning for, or cause rezoning of, forest land to non-forest use.

- e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Important Farmland or other agricultural resources, to non-agricultural use?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** The Ordinance and Program does not result in conversion of Important Farmland or agricultural resources to a non-agricultural use due to the following factors:

- 1. Implementation would not preclude agriculture from continuing on-site.** The Ordinance does not permit, nor require, that farming and agricultural operations be replaced and converted to other non-agricultural uses. As a last resort, the Ordinance would authorize DEH to restrict the types of crops grown ~~require the use of conventional pesticides~~ on organic crops or fields. The ~~application of pesticides~~ restriction of certain types of crops which foster the generation of eye gnats, would not preclude the continuation of conventional farming techniques or alternative organic crops which do not foster the generation of eye gnats; thereby, allowing agricultural uses to continue on the property.
- 2. Implementation would not result in a rezone to a non-agricultural zone.** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing agricultural operations. None of the abatement recommendations would conflict with existing zoning for, or cause rezoning of, agricultural land uses.
- 3. Implementation would not result in a conflicting use which would result in an indirect impact to agriculture.** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing agricultural operations. None of the abatement recommendations would create a conflicting use. As a last resort, the Ordinance would authorize DEH to restrict the types of crops grown ~~require the use of conventional pesticides~~ on organic crops or fields which would not result in a

conflicting use. ~~The application of pesticides would not result in a conflicting use.~~

Therefore, the proposed project would not result in conversion of Important Farmland or other agricultural resources, to non-agricultural use.

**III. AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP)?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:**

San Diego County is designated as a nonattainment area for the federal ozone standard and the State ozone, respirable particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>) standards. The San Diego Air Pollution Control District (SDAPCD) prepares the Regional Air Quality Strategy (RAQS) and the San Diego portion of the State Implementation Plan (SIP) to bring the region into attainment with the federal and State ozone standards. The two pollutants addressed in the RAQS are volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>), which are precursors to the formation of ozone. The primary criteria air pollutant emissions of concern from pesticide use are VOCs.

The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project does not involve any grading, construction or alteration of landforms. Additionally, the project would not introduce a new perpetual source of emissions of air pollutants.

~~The Ordinance would only require the use of conventional pesticides on organic crops or fields as a last resort. Under this program DEH could only require the use of these five conventional pesticides: Acephate, Malathion, Diflubenzuron, Cyromazine, and Cyfluthrin.~~

~~San Diego County is designated as a nonattainment area for the federal ozone standard and the State ozone, respirable particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>) standards. The San Diego Air Pollution Control District (SDAPCD) prepares the Regional Air Quality Strategy (RAQS) and the San Diego portion of the State Implementation Plan (SIP) to bring the region into attainment with the federal and State ozone standards. The two pollutants addressed in the RAQS are volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>), which are precursors to the formation~~

of ozone. The primary criteria air pollutant emissions of concern from pesticide use are VOCs.

The California Department of Pesticide Regulation (CDPR) is required to reduce VOC emissions by specified amounts to help meet air quality standards. Between 2008 and 2011, CDPR implemented a series of regulations to reduce VOC emissions from fumigant pesticides. CDPR is evaluating options to reduce VOC emissions from nonfumigant pesticides. The rules focus on field fumigant applications made between May 1 and October 31 in five "nonattainment areas" (NAAs) that do not meet federal air quality standards for pesticide VOC emissions: the San Joaquin Valley NAA, Sacramento Metro NAA, South Coast NAA, Southeast Desert NAA, and Ventura NAA.<sup>4</sup> Pesticide VOC emissions in the San Diego region are not considered a significant contributor to total VOC emissions; therefore, this region is not included in the CDPR-designated NAAs.

The California Air Resources Board (ARB) reports that VOC emissions from total pesticide/fertilizer use represent only 0.3% of the total VOC emissions in San Diego County.<sup>2</sup> The project would not increase pesticide/fertilizer use to the extent that would lead to a significant increase in VOC emissions.

Therefore, the project will not conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP) on a project level.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** In general, air quality impacts from land use projects are the result of emissions from motor vehicles, and from short-term construction activities associated with such projects. The San Diego County Land Use Environment Group (LUEG) has established guidelines for determining significance which incorporate SDAPCD-established screening-level criteria for all new source review (NSR) in APCD Rule 20.2. These screening-level criteria can be used as numeric methods to demonstrate that a project's total emissions (e.g. stationary and fugitive emissions, as well as emissions from mobile sources) would not result in a significant impact to air quality. Since SDAPCD does not have screening-level criteria for

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<sup>4</sup> California Department of Pesticide Regulation, *Reducing Emissions of Volatile Organic Compounds (VOCs) from Field Fumigant Applications*  
2009 Update: *How Field Fumigant Restrictions Apply in Nonattainment Areas (NAAs) and Outside NAAs*.  
[http://www.cdpr.ca.gov/docs/emon/vocs/vocproj/voc\\_sum\\_by\\_naa.pdf](http://www.cdpr.ca.gov/docs/emon/vocs/vocproj/voc_sum_by_naa.pdf).

<sup>2</sup> California Air Resources Board. Almanac Emission Projection Data (published in 2009). 2010 Estimated Annual Average Emissions — San Diego County.

emissions of volatile organic compounds (VOCs), the screening level for reactive organic compounds (ROC) from the South Coast Air Quality Management District (SCAQMD) for the Coachella Valley (which are more appropriate for the San Diego Air Basin) are used.

The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project does not involve any grading, construction or alteration of landforms. Additionally, the project would not introduce a new perpetual source of emissions of air pollutants.

~~The Ordinance would not authorize the use of conventional pesticides on organic crops or fields, except as a last resort. Under this program DEH could only require the use of these five conventional pesticides: Acephate, Malathion, Diflubenzuron, Cyromazine, and Cyfluthrin.~~

~~All of the five conventional pesticides proposed for use are State-registered, and none are State-restricted. State registered pesticides have been reviewed by the California Department of Pesticide Regulation through an EIR functional equivalent analysis, and unless "restricted" have been determined to be safe for use state-wide, without site specific environmental review or site-specific permits, restrictions or mitigation measures, provided applicable pesticide safety laws and label restrictions are followed. The State conducted an EIR functional equivalent analysis which evaluated impacts from application of the pesticide (pursuant to the label requirements). Certification of this document allows the State and County Agricultural Commissioners (CACs) to permit the use of these products without the need to prepare an EIR (or negative declaration) on each product or permit approved. Only state-restricted pesticides require a site-specific environmental review and permit prior to application and the pesticides proposed for use to control eye gnats are not State-restricted. Therefore, as long as the pesticide is applied pursuant to the applicable pesticide safety laws and label restrictions, for CEQA purposes, the EIR functional equivalent document has determined that there will not be a significant impact on the environment. The pesticide regulatory program was submitted to the Secretary of the Resources Agency on November 1, 1979, and was certified on December 28, 1979. Notwithstanding the fact that these pesticides have been approved for use as part of the regulatory program approved by the Department of Pesticide Regulation, for purposes of this ordinance, the County has separately evaluated the impacts of the use of these pesticides within the County of San Diego, and considered the label restrictions on their use in coming to the conclusion that no significant impacts will occur as a result of the potential for these pesticides to be used to control eye gnats. Information regarding pesticide regulation in California (California Department of Pesticide Regulation, 2001) is included as Attachment D.~~

~~Adherence to label restrictions and compliance with CDPR laws and regulations to minimize pesticide drift would minimize potential air quality impacts. Drift prevention measures include requirements for droplet size, applicator boom length, spray pressure, application height, swath and wind adjustments, taking into account the temperature,~~

~~humidity and temperature inversion. Drift requirements include precautions when the potential for drift is adjacent to sensitive areas such as residential areas. Additionally, the use of the pesticides would be limited, and will only be applied as a last resort. Two of the pesticides proposed for use are federally restricted. The federal "Restricted Use" classification restricts a product, or its uses, to be purchased and used by a certificated pesticide applicator or under the direct supervision of a certified applicator. Consequently, these two pesticides are exempted from restricted material permitting. Similar to the State restricted materials, as long as the pesticide is applied pursuant to the label restrictions and applicable pesticide safety laws, for CEQA purposes, it has been determined to not impact the environment.~~

~~Additionally, as stated above, pesticide VOC emissions in the San Diego region are not considered a significant contributor to total VOC emissions. The Ordinance would not authorize the use of conventional pesticides on organic crops or fields, except as a last resort. The project would not increase pesticide use to the extent that would lead to a significant increase in VOC emissions.~~

Therefore, the proposed project is not expected to significantly contribute to an existing or projected air quality violation with adherence to label restrictions and impacts would be less than significant.

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** San Diego County is designated as a nonattainment area for the federal ozone standard and the State ozone, respirable particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>) standards. Ozone (O<sub>3</sub>) is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>) react in the presence of sunlight. VOC sources include any source that burns fuels (e.g., gasoline, natural gas, wood, oil); solvents; petroleum processing and storage; and pesticides. Sources of PM<sub>10</sub> in both urban and rural areas include: motor vehicles, wood burning stoves and fireplaces, dust from construction, landfills, agriculture, wildfires, brush/waste burning, and industrial sources of windblown dust from open lands.

The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project does not involve any grading, construction or alteration of landforms. Additionally, the project would not introduce a new perpetual source of emissions (e.g. motor vehicles and wood burning stoves). ~~The Ordinance would not~~



~~authorize the use of conventional pesticides on organic crops or fields, except as a last resort. Under this program DEH could only require the use of these five conventional pesticides: Acephate, Malathion, Diflubenzuron, Cyromazine, and Cyfluthrin.~~

~~As discussed above (see Section III. Air Quality (b)), the application of these pesticides is regulated under federal and/or State law. This means that the impacts from application of the State regulated pesticides have been evaluated at a programmatic level in the EIR functionally equivalent analysis for the pesticide regulatory program. For federally-restricted pesticides, their use is only allowed by certified applicators according to label restrictions.~~

~~The California Department of Pesticide Regulation (CDPR) is required to reduce VOC emissions by specified amounts to help meet air quality standards. Between 2008 and 2011, CDPR implemented a series of regulations to reduce VOC emissions from fumigant pesticides. CDPR is evaluating options to reduce VOC emissions from nonfumigant pesticides. The rules focus on field fumigant applications made between May 1 and October 31 in five "nonattainment areas" (NAAs) that do not meet federal air quality standards for pesticide VOC emissions: the San Joaquin Valley NAA, Sacramento Metro NAA, South Coast NAA, Southeast Desert NAA, and Ventura NAA.<sup>3</sup> Pesticide VOC emissions in the San Diego region are not considered a significant contributor to total VOC emissions; therefore, this region is not included in the CDPR-designated NAAs.~~

~~The California Air Resources Board (ARB) reports that VOC emissions from total pesticide/fertilizer use represent only 0.3% of the total VOC emissions in San Diego County.<sup>4</sup> The project would not increase pesticide use to the extent that would lead to a significant increase in VOC emissions. Therefore, as long as label restrictions are adhered to, the infrequent application, as needed, of these pesticides. Therefore, the Ordinance and Program would not have a significant direct or cumulative impact on air quality.~~

d) Expose sensitive receptors to substantial pollutant concentrations?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** Air quality regulators typically define sensitive receptors as schools (Preschool-12<sup>th</sup> Grade), hospitals, resident care facilities, or day-care centers, or other facilities that may house individuals with health conditions that

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<sup>3</sup> California Department of Pesticide Regulation, *Reducing Emissions of Volatile Organic Compounds (VOCs) from Field Fumigant Applications*  
2009 Update: *How Field Fumigant Restrictions Apply in Nonattainment Areas (NAAs) and Outside NAAs*.  
[http://www.cdpr.ca.gov/docs/emon/vocs/vocproj/voc\\_sum\\_by\\_naa.pdf](http://www.cdpr.ca.gov/docs/emon/vocs/vocproj/voc_sum_by_naa.pdf).

<sup>4</sup> California Air Resources Board. Almanac Emission Projection Data (published in 2009). 2010 Estimated Annual Average Emissions — San Diego County.

would be adversely impacted by changes in air quality. The County of San Diego also considers residences as sensitive receptors since they house children and the elderly. No point-source emissions of air pollutants are associated with the project. As such, the project will not expose sensitive populations to excessive levels of air pollutants.

~~California's Department of Pesticide Regulation (CDPR) and Air Resources Board (ARB) conduct air monitoring studies for pesticides that are candidate toxic air contaminants, as well as for pesticides that are designated as toxic air contaminants. CDPR and ARB also routinely evaluate toxicology and other data as a requirement for pesticide registration, conduct comprehensive risk assessments, including assessment of dietary risk by monitoring residues in water, air, food and occupational settings (foliage).~~

~~San Diego County Department of Agriculture Weights and Measures monitors pesticide applications and investigates allegations of pesticide drifts in agricultural settings. These regulatory activities ensure compliance with the registered labeling requirements and applicable pesticide drift laws and regulations included in Divisions 6 and 7 of the Food and Agriculture Code and Division 6 of Title 3 of the California Code of Regulations. The Department takes appropriate actions required by the Enforcement Response Regulations (3CCR 6128 to 6131) to address substantiated violations. Since 2008, there have been two agricultural drift cases in San Diego County. One involved an herbicide application of row crops and the other involved an insecticide aerial application of grove crop. There was no substantiated environmental violation found. Since 2008, there have been no cases known to the Department in which an agricultural pesticide application was found to be in violation of a label restriction intended to mitigate the risk of environmental effects. Based on the available historical data and current pesticide regulatory requirements, potential exposure of sensitive populations to pesticide drift seems not to be significant for the projected additional use of pesticides that may result under this program.~~

~~Of the five conventional pesticides proposed for use under the ordinance, none are designated as a toxic air contaminant by CDPR and ARB. Adherence to label restrictions and compliance with CDPR laws and regulations to minimize pesticide drift would minimize the exposure of sensitive receptors to these compounds. Drift prevention measures include requirements for droplet size, applicator boom length, spray pressure, application height, swath and wind adjustments, taking into account the temperature, humidity and temperature inversion. Drift requirements include precautions when the potential for drift is adjacent to sensitive areas such as residential areas. Additionally, the use of the pesticides would be limited, and will only be applied as a last resort. As discussed above (see Section III. Air Quality (b)), the application of these pesticides is regulated under federal and/or State law. This means that the impacts from application of the State registered pesticides have been evaluated at a programmatic level in the EIR functionally equivalent analysis for the pesticide regulatory program, and appropriate limitations on the pesticide use has been imposed as a part of the label restriction on the use of the product to ensure that no harm to the environment will occur. For federally-restricted pesticides, their use is only allowed by certified applicators according to label restrictions. Therefore, as long as label restrictions are adhered to, the infrequent application, as needed, of these pesticides~~

~~would not have a significant impact on sensitive receptors. Information regarding pesticide regulation in California (California Department of Pesticide Regulation, 2001), is included as Attachment D.~~

e) Create objectionable odors affecting a substantial number of people?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** The project is an ordinance and program which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project does not involve any grading, construction or alteration of landforms. Additionally, the project would not introduce a new perpetual source of emissions which would have the potential to generate objectionable odors. ~~The Ordinance would not authorize the use of conventional pesticides on organic crops or fields, except as a last resort. Under this program DEH could only require the use of these five conventional pesticides: Acephate, Malathion, Diflubenzuron, Cyromazine, and Cyfluthrin.~~

~~The project could produce objectionable odors from application of pesticides. However, these substances, if present at all, would only be in trace amounts. Adherence to label restrictions and compliance with CDPR regulations to minimize pesticide drift would minimize the exposure of sensitive receptors to these compounds. Additionally, the use of the pesticides would be limited and will only be applied as a last resort. The project will likely result in increased use of eye gnat traps which use a putrefied egg bait to attract gnats. The bait has an objectionable odor, but that odor is localized around the traps and is not noticeable from distances further than 10 feet from the traps. Consequently, no significant air quality odor impacts are expected to affect surrounding receptors and impacts would be less than significant.~~

#### **IV. BIOLOGICAL RESOURCES** -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a

nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The program would not authorize the County to require the use of pesticides. This will avoid potential unintended impacts to candidate, sensitive and special status species. The BMPs would not result in additional impacts to biological resources as explained in the *Best Management Practices Eye Gnat Control on Organic Farms* (Attachment BA). However, as a last resort, the Ordinance would authorize DEH to require the use of conventional pesticides on organic crops or fields.

~~The application of these pesticides is regulated under federal and/or State law. This means that the impacts from application of the State-registered pesticides have been evaluated at a programmatic level in the EIR functionally equivalent analysis for the pesticide regulatory program. For federally restricted pesticides, their use is only allowed by certified applicators according to label restrictions. The listed environmental effects of these pesticides are effects that could occur if the pesticides were used illegally, in violation of label restrictions. Therefore, as long as label restrictions are adhered to, the infrequent application, as needed, of these pesticides would not have a significant direct or cumulative impact to biological resources, including sensitive species. Illegal application is extremely unlikely for a pesticide application required to be made under a Department of Environmental Health (DEH) order.~~

~~All of the five conventional pesticides proposed for use are State-registered, and none are State-restricted. State registered pesticides have been reviewed by the California Department of Pesticide Regulation through an EIR functional equivalent analysis, and unless "restricted" have been determined to be safe for use state-wide, without site specific environmental review or site-specific permits, restrictions or mitigation measures, provided applicable pesticide safety laws and label restrictions are followed. The State conducted an EIR functional equivalent analysis which evaluated impacts from application of the pesticide (pursuant to the label requirements). Certification of this document allows the State and County Agricultural Commissioners (CAGs) to permit the use of these products without the need to prepare an EIR (or negative declaration) on each product or permit approved. Only state-restricted pesticides require a site-specific environmental review and permit prior to application, and the pesticides proposed for use to control eye-gnats are not State-restricted. Therefore, as long as the pesticide is applied pursuant to the applicable pesticide safety laws and label restrictions, for CEQA purposes, the EIR functional equivalent document has determined that there will not be a significant impact on the environment. The pesticide regulatory program was submitted to the Secretary of the Resources Agency on November 1, 1979, and was certified on December 28, 1979. Notwithstanding the fact that these pesticides have been approved for use as part of the regulatory program approved by the Department of Pesticide Regulation, for purposes of this ordinance, the County has separately evaluated the impacts of the use of these pesticides within the County of San Diego, and considered the label restrictions on their use in coming to the conclusion that no significant impacts will occur as a result of the potential for these pesticides to be used to control eye gnats. Information regarding pesticide regulation in California (California Department of Pesticide Regulation, 2001), is included as Attachment D.~~

~~Two of the pesticides proposed for use are federally restricted. The federal "Restricted Use" classification restricts a product, or its uses, to be purchased and used by a certificated pesticide applicator or under the direct supervision of a certified applicator. Consequently, these two pesticides are exempted from restricted-material permitting. Similar to the State restricted materials, as long as the pesticide is applied pursuant to the label restrictions and applicable pesticide safety laws, for CEQA purposes, it has been determined to not impact the environment.~~

~~Three of the pesticides proposed for use (Malathion, Diflubenzuron and Cyfluthrin) have been identified as toxic to aquatic organisms. The label for these pesticides imposes special restrictions, including requirements which prohibit direct application to water or runoff areas, a buffer zone requirement to prevent spraying closer than 25 feet to 450 feet (for ULV Aerial Application) from aquatic habitats, and a vegetated buffer strip requirement (10 feet) between treated areas and aquatic habitat. Although these pesticides are toxic, CDPR has determined that these label restrictions are sufficient to protect the environment. CDPR has not classified these pesticides as state-restricted, so no site specific environmental review or permit required prior to use in accordance with label restrictions.~~

~~The pesticides that DEH could order to be used would not be applied to sensitive habitats which support sensitive species. Sensitive species are not expected to be present on organic farming operations. Because the limited use of pesticides, as a last resort, would be applied in accordance with label restrictions, and would avoid habitats which support sensitive species it will not. Therefore, implementation of the Ordinance and Program would not result in impacts to sensitive habitats or species.~~

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact.** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing agricultural operations. The program would not authorize the County to require the use of pesticides. This will avoid potential unintended impacts to sensitive natural communities. The BMPs would not result in additional impacts to biological resources as explained in the *Best Management Practices Eye Gnat Control on Organic Farms* (Attachment BA). However, as a last resort, the Ordinance would authorize DEH to require the use of conventional pesticides, on organic crops or fields. As discussed above (see Section IV. Biological Resources (c)), the application of these pesticides would be restricted under federal and/or State regulations.

~~All of the five conventional pesticides proposed for use are State-registered, and none are State-restricted. State registered pesticides have been reviewed by the California Department of Pesticide Regulation through an EIR functional equivalent analysis, and unless "restricted" have been determined to be safe for use state-wide, without site specific environmental review or site-specific permits, restrictions or mitigation measures, provided applicable pesticide safety laws and label restrictions are followed. The State conducted an EIR functional equivalent analysis which evaluated impacts from application of the pesticide (pursuant to the label requirements). Certification of this document allows the State and County Agricultural Commissioners (CACs) to permit the use of these products without the need to prepare an EIR (or negative declaration) on each product or permit approved. Only state-restricted pesticides require a site-specific environmental review and permit prior to application and the pesticides proposed for use to control eye gnats are not State-restricted. Therefore, as long as the pesticide is applied pursuant to the applicable pesticide safety laws and label restrictions, for CEQA purposes, the EIR functional equivalent document has determined that there will not be a significant impact on the environment. The pesticide regulatory program was submitted to the Secretary of the Resources Agency on November 1, 1979, and was certified on December 28, 1979. Notwithstanding the fact that these pesticides have been approved for use as part of the regulatory program approved by the Department of Pesticide Regulation, for purposes of this ordinance, the County has separately evaluated the impacts of the use of these pesticides within the County of San Diego, and considered the label restrictions on their use in coming to the conclusion that no significant impacts will occur as a result of the potential for these pesticides to be used to control eye gnats. Information regarding pesticide regulation in California (California Department of Pesticide Regulation, 2001) is included as Attachment D.~~

~~Two of the pesticides proposed for use are federally restricted. The federal "Restricted Use" classification restricts a product, or its uses, to be purchased and used by a certificated pesticide applicator or under the direct supervision of a certified applicator. Consequently, these two pesticides are exempted from restricted-material permitting. Similar to the State restricted materials, as long as the pesticide is applied pursuant to the label restrictions and applicable pesticide safety laws, for CEQA purposes, it has been determined to not impact the environment.~~

~~Three of the pesticides proposed for use (Malathion, Diflubenzuron and Cyfluthrin) have been identified as toxic to aquatic organisms. The label for these pesticides imposes special restrictions, including requirements which prohibit direct application to water or runoff areas, a buffer zone requirement to prevent spraying closer than 25 feet to 450 feet (for ULV Aerial Application) from aquatic habitats, and a vegetated buffer strip requirement (10 feet) between treated areas and aquatic habitat. Although these pesticides are toxic, CDPR has determined that these label restrictions are sufficient to protect the environment. CDPR has not classified these pesticides as state-restricted, so no site specific environmental review or permit required prior to use in accordance with label restrictions.~~

Therefore, implementation of the Ordinance and Program would not result in impacts to a substantial adverse effect on any riparian habitat or other sensitive natural community.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact.** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. The project will not impact through, discharging into, directly removing, filling, or hydrologically interrupting, any federally protected wetlands. The project proposes complete avoidance. Therefore, no significant impacts will occur to wetlands or waters of the U.S. as defined by Section 404 of the Clean Water Act and under the jurisdiction of the Army Corps of Engineers.

Therefore, federally protected wetlands have been placed in a biological open space or conservation easement with the appropriate wetland buffer as a part of a previous action and no significant impacts will occur to federally protected wetlands on the project site.

~~All of the five conventional pesticides proposed for use are State-registered, and none are State-restricted. State registered pesticides have been reviewed by the California Department of Pesticide Regulation through an EIR functional equivalent analysis, and unless "restricted" have been determined to be safe for use state-wide, without site specific environmental review or site-specific permits, restrictions or mitigation measures, provided applicable pesticide safety laws and label restrictions are followed. The State conducted an EIR functional equivalent analysis which evaluated impacts from application of the pesticide (pursuant to the label requirements). Certification of this document allows the State and County Agricultural Commissioners (CACs) to permit the use of these products without the need to prepare an EIR (or negative declaration) on each product or permit approved. Only state-restricted pesticides require a site-specific environmental review and permit prior to application and the pesticides proposed for use to control eye gnats are not State-restricted. Therefore, as long as the pesticide is applied pursuant to the applicable pesticide safety laws and label restrictions, for CEQA purposes, the EIR functional equivalent document has determined that there will not be a significant impact on the environment. The pesticide regulatory program was submitted to the Secretary of the Resources Agency on November 1, 1979, and was certified on December 28, 1979. Notwithstanding the fact that these pesticides have been approved for use as part of the regulatory program approved by the Department of Pesticide Regulation, for purposes of this ordinance, the County has separately evaluated the impacts of the use of these pesticides within the County of San Diego, and considered the label restrictions on their use in coming to the conclusion that no significant impacts will occur as a result of the potential for these pesticides to be used to control eye gnats. Information regarding pesticide regulation in~~

~~California (California Department of Pesticide Regulation, 2001) is included as Attachment D.~~

~~Two of the pesticides proposed for use are federally restricted. The federal "Restricted Use" classification restricts a product, or its uses, to be purchased and used by a certificated pesticide applicator or under the direct supervision of a certified applicator. Consequently, these two pesticides are exempted from restricted material permitting. Similar to the State restricted materials, as long as the pesticide is applied pursuant to the label restrictions and applicable pesticide safety laws, for GEQA purposes, it has been determined to not impact the environment.~~

~~Three of the pesticides proposed for use (Malathion, Diflubenzuron and Cyfluthrin) have been identified as toxic to aquatic organisms. The label for these pesticides imposes special restrictions, including requirements which prohibit direct application to water or runoff areas, a buffer zone requirement to prevent spraying closer than 25 feet to 450 feet (for ULV Aerial Application) from aquatic habitats, and a vegetated buffer strip requirement (10 feet) between treated areas and aquatic habitat. Although these pesticides are toxic, CDPR has determined that these label restrictions are sufficient to protect the environment. CDPR has not classified these pesticides as state restricted, so no site specific environmental review or permit required prior to use in accordance with label restrictions.~~

Therefore, the project would not result in a substantial adverse effect on federally protected wetlands.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. ~~Neither t~~ The BMPs ~~nor application of pesticides~~ would not result in impacts to the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites as explained in the *Best Management Practices Eye Gnat Control on Organic Farms* (Attachment BA). The project would not authorize the County to require the use of pesticides. This will avoid potential unintended impacts to wildlife corridors or nursery sites. Therefore, the project would not impede the movement of any native resident or migratory fish or wildlife species, the use of an established native resident or migratory wildlife corridors, and the use of native wildlife nursery sites. Impacts would be less than significant.



- e) Conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan or any other local policies or ordinances that protect biological resources?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** The project would not conflict with the provisions of any conservation plan, policy or ordinance that protect biological resources. Refer to the attached Ordinance Compliance Checklist dated ~~May 18, 2012~~ October 31, 2012 for further information on consistency with any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan, including, Habitat Management Plans (HMP), Special Area Management Plans (SAMP), or any other local policies or ordinances that protect biological resources including the Multiple Species Conservation Program (MSCP), Multiple Habitat Planning Area (MHPA), Biological Mitigation Ordinance, Resource Protection Ordinance (RPO), Habitat Loss Permit (HLP). The Ordinance Compliance Checklist is included as Attachment E.

**V. CULTURAL RESOURCES** -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. Implementation of the BMPs would not cause any ground disturbing activities other than normal farming activities. Therefore, there will not be any potential for impacts to historical resources.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. Implementation of the BMPs would not cause any ground disturbing activities other than normal farming activities. Therefore, there will not be any potential for impacts to archaeological resources.

c) Directly or indirectly destroy a unique geologic feature?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** San Diego County has a variety of geologic environments and geologic processes which generally occur in other parts of the state, country, and the world. However, some features stand out as being unique in one way or another within the boundaries of the County.

The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. Implementation of the BMPs would not cause any ground disturbing activities other than normal farming activities. Therefore, there will not be any potential for impacts to a unique geologic feature.

d) Directly or indirectly destroy a unique paleontological resource or site?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as agricultural operations. Implementation of the BMPs would not cause any ground disturbing activities other than normal farming activities. Therefore, there will not be any potential for impacts to a unique paleontological resource or site.

e) Disturb any human remains, including those interred outside of formal cemeteries?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Incorporated

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. Implementation of the BMPs would not cause any ground disturbing activities other than normal farming activities. Therefore, there will not be any potential for disturbance of interred human remains.

**VI. GEOLOGY AND SOILS** -- Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

- |  |   |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact        | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation | <input checked="" type="checkbox"/> No Impact         |
| <input type="checkbox"/> Incorporated                          |   |

Discussion/Explanation:

**No Impact:** The project includes lands that are located within a fault-rupture hazard zone as identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42 (SP 42), Revised 1997, Fault-Rupture Hazards Zones in California or within an area with substantial evidence of a known fault. The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. The only potential new development would be the installation of barriers on the farm in order to control the egress of eye gnats from that particular farm. The barriers would likely consist of typical silt fencing materials and would be up to 42 inches (or 3 feet, 6 inches) high. The project does not propose a new population or structures to areas of known earthquake faults. Therefore, there will be no potentially significant impact from the exposure of people or structures to a known fault-rupture hazard zone as a result of this project.

- ii. Strong seismic ground shaking?

- |  |   |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact        | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation | <input checked="" type="checkbox"/> No Impact         |
| <input type="checkbox"/> Incorporated                          |   |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. The only potential new development would be the installation of barriers on the farm in order to control the egress of eye gnats from that particular farm. The barriers would likely consist of typical silt fencing materials and be up to 42 inches (or 3 feet, 6 inches) high. The project does not propose a new population or structures to areas with strong seismic ground shaking. Therefore, the project will not result in a potentially significant impact from the exposure of people or structures to potential adverse effects from strong seismic ground shaking.

iii. Seismic-related ground failure, including liquefaction?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project includes lands that are located within a "Potential Liquefaction Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The only potential new development would be the installation of silt fencing on the farm in order to control the egress of eye gnats from that particular farm. The physical barriers would likely consist of typical silt fencing materials and would be up to 42 inches (or 3 feet, 6 inches) high. The project does not propose a new population or structures to areas with seismic-related failure, including liquefaction. Therefore, there will be no potentially significant impact from the exposure of people or structures to adverse effects from a known area susceptible to ground failure, including liquefaction.

iv. Landslides?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The Ordinance and Program would apply to both unincorporated and incorporated areas of the County of San Diego, including lands located within a "Landslide Susceptibility Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. The only potential new development would be the installation of silt barriers on the farm in order to control the egress of eye

gnats from that particular farm. The barriers would likely consist of typical silt fencing materials and be up to 42 inches (or 3 feet, 6 inches) high. The project does not propose a new population or structures to landslides areas. Therefore, there will be no potentially significant impact from the exposure of people or structures to adverse effects from adverse effects of landslides.

b) Result in substantial soil erosion or the loss of topsoil?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The proposed Eye Gnat Ordinance and Program would apply to both the unincorporated and incorporated areas of the County of San Diego which includes a variety of soil types as indicated by the Soil Survey for the San Diego Area, prepared by the US Department of Agriculture, Soil Conservation and Forest Service dated December 1973. According to the Soil Survey of San Diego County, the soils could have a soil erodibility rating of "moderate" and/or "severe." However, the project will not result in substantial soil erosion or the loss of topsoil for the following reasons:

1. The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses including existing agricultural operations. The BMPs would not result in substantial soil erosion or loss of topsoil as explained in the *Best Management Practices Eye Gnat Control on Organic Farms* (Attachment BA).
2. The project does not involve grading, construction or alteration of landforms.
3. The project will not result in unprotected erodible soils; will not alter existing drainage patterns; and will not develop steep slopes.

Due to these factors, it has been found that the project will not result in substantial soil erosion or the loss of topsoil on a project level.

In addition, the project will not contribute to a cumulatively considerable impact because all of the past, present and future projects included on the list of projects that involve grading or land disturbance are required to follow the requirements of the San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Sections 87.414 (DRAINAGE - EROSION PREVENTION) and 87.417 (PLANTING); Order 2001-01 (NPDES No. CAS 0108758), adopted by the San Diego Region RWQCB on February 21, 2001; County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) (Ord. No. 9424); and County Storm Water Standards Manual adopted on February 20, 2002, and amended January 10, 2003 (Ordinance No. 9426). Refer to XVIII. Mandatory Findings of Significance for a comprehensive list of the projects considered.

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The only potential new development would be the installation of silt fencing on the farm in order to control the egress of eye gnats from that particular farm. The physical barriers would likely consist of typical silt fencing materials and be up to 42 inches (or 3 feet, 6 inches) high. The project does not involve grading, construction or alteration of landforms. Therefore, the project will not produce unstable geological conditions. For further information regarding landslides, liquefaction, and lateral spreading, refer to VI Geology and Soils, Question a., iii-iv listed above.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The Ordinance and Program would apply to both unincorporated and incorporated areas of the County of San Diego, including lands located on expansive soils as defined within Table 18-I-B of the Uniform Building Code (1994). The only potential new development would be the installation of barriers on the farm in order to control the egress of eye gnats from that particular farm. The barriers would likely consist of typical silt fencing materials and be up to 42 inches (or 3 feet, 6 inches) high. The project will not have any significant impacts because the project does not involve grading, construction or alteration of landforms. Therefore, these soils will not create substantial risks to life or property.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. The project does not propose any septic tanks or alternative wastewater disposal systems since no wastewater will be generated.

## **VII. GREENHOUSE GAS EMISSIONS – Would the project**

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature commonly referred to as global warming. This rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system, known as climate change. These changes are now broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

GHGs include carbon dioxide, methane, hydrofluorocarbons (HFCs), and nitrous oxide, among others. Human induced GHG emissions are a result of energy production and consumption, and personal vehicle use, among other sources. A regional GHG inventory prepared for the San Diego Region<sup>5</sup> identified on-road transportation (cars and trucks) as the largest contributor of GHG emissions in the region, accounting for 46% of the total regional emissions. Electricity and natural gas combustion were the second (25%) and third (9%) largest regional contributors, respectively, to regional GHG emissions.

Climate changes resulting from GHG emissions could produce an array of adverse environmental impacts including water supply shortages, severe drought, increased flooding, sea level rise, air pollution from increased formation of ground level ozone and particulate matter, ecosystem changes, increased wildfire risk, agricultural impacts, ocean and terrestrial species impacts, among other adverse effects.

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<sup>5</sup> San Diego County Greenhouse Gas Inventory: An Analysis of Regional Emissions and Strategies to Achieve AB 32 Targets. University of San Diego and the Energy Policy Initiatives Center (EPIC), September 2008.

In 2006, the State passed the Global Warming Solutions Act of 2006, commonly referred to as AB 32, which set the greenhouse gas emissions reduction goal for the State of California into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing greenhouse gas emissions from significant sources through regulation, market mechanisms, and other actions.

According to the San Diego County Greenhouse Gas Inventory (2008), the region must reduce its GHG emissions by 33 percent from “business-as-usual” emissions to achieve 1990 emissions levels by the year 2020. “Business-as-usual” refers to the 2020 emissions that would have occurred in the absence of the mandated reductions.

Senate Bill 375 (SB 375), passed in 2008, links transportation and land use planning with global warming. It requires the California Air Resources Board (ARB) to set regional targets for the purpose of reducing greenhouse gas emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review requirements under CEQA. SANDAG has prepared the region’s Sustainable Communities Strategy (SCS) which is a new element of the 2050 Regional Transportation Plan (RTP). The strategy identifies how regional greenhouse gas reduction targets, as established by the ARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible.

In addressing the potential for a project to generate GHG emissions that would have a potentially significant cumulative effect on the environment, a 900 metric ton threshold was selected to identify those projects that would be required to calculate emissions and implement mitigation measures to reduce a potentially significant impact. The 900 metric ton screening threshold is based on a threshold included in the CAPCOA white paper<sup>6</sup> that covers methods for addressing greenhouse gas emissions under CEQA. The CAPCOA white paper references the 900 metric ton guideline as a conservative threshold for requiring further analysis and mitigation. The 900 metric ton threshold was based on a review of data from four diverse cities (Los Angeles in southern California and Pleasanton, Dublin, and Livermore in northern California) to identify the threshold that would capture at least 90% of the residential units or office space on the pending applications list. This threshold will require a substantial portion of future development to minimize GHG emissions to ensure implementation of AB 32 targets is not impeded. By ensuring that projects that generate more than 900 metric tons of GHG implement mitigation measures to reduce emissions, it is expected that a majority of future development will contribute to emission reduction goals that will assist the region in meeting its GHG reduction targets.

It should be noted that an individual project’s GHG emissions will generally not result in direct impacts under CEQA, as the climate change issue is global in nature, however an individual project could be found to contribute to a potentially significant cumulative

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<sup>6</sup> See CAPCOA White Paper : “CEQA & Climate Change: *Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*” January 2008 (<http://www.capcoa.org/rokdownloads/CEQA/CAPCOA%20White%20Paper.pdf>).



impact. CEQA Guidelines Section 15130(f) states that an EIR shall analyze greenhouse gas emissions resulting from a proposed project when the incremental contribution of those emissions may be cumulatively considerable.

The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing agricultural operations. The project does not involve any grading, construction or alteration of landforms. Additionally, the project would not introduce a new perpetual source of emissions. GHG emissions from agricultural activities primarily result from soil management activities, specifically application of nitrogen-based fertilizers. The project would not allow the County to require the use of pesticides. The State's GHG inventory does not show pesticides to be a source of GHG emissions. Therefore, pesticide application under the proposed project would not lead to an increase in GHG emissions. Auxiliary activities associated with pesticide application, such as use of agricultural equipment, would be intermittent and temporary. Therefore, Emissions under the project are anticipated to be well below 900 metric tons per year. The project's GHG emissions are found to have a less than cumulatively considerable contribution to GHG emissions because the project will generate less than 900 metric tons of GHGs.

Furthermore, projects that generate less than 900 metric tons of GHG, will also participate in emission reductions because air emissions including GHGs are under the purview of ARB (or other regulatory agencies) and will be "regulated" either by ARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions<sup>7</sup>, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources<sup>8</sup>. As a result, even the emissions that result from projects that produce less than 900 metric tons of GHG will be subject to emission reductions. Likewise, the project would also participate in the mandated emissions reductions through energy and resource use that is subject to emission reduction mandates beyond "business-as-usual."

Therefore, it is determined that the project would result in less than cumulatively considerable impacts associated with GHG emissions and no mitigation is required.

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<sup>7</sup> On September 15, 2009, the United States Environmental Protection Agency (EPA) and the Department of Transportation's National Highway Safety Administration (NHTSA) proposed a national program to reduce GHG emissions and improve fuel economy for new cars and trucks sold in the United States. The proposed standards would cut CO<sub>2</sub>-emissions by an estimated 950 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program.

<sup>8</sup> California's Renewable Portfolio Standard (RPS) requires electric corporations to increase procurement from eligible renewable energy resources by at least 1% of their retail sales annually, until they reach 20% by 2010. In 2008, the governor signed Executive Order S-14-08 (EO) to streamline California's renewable energy project approval process and increase the state's Renewable Energy Standard to 33% renewable power by 2020. The Air Resources Board is in the process of developing regulations to implement the 33% standard known as the California Renewable Electricity Standard (RES).

- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** In 2006, the State passed the Global Warming Solutions Act of 2006, commonly referred to as AB 32, which set the greenhouse gas emissions reduction goal for the State of California into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions.

Senate Bill 375 (SB 375), passed in 2008, links transportation and land use planning with global warming. It requires the California Air Resources Board (ARB) to set regional targets for the purpose of reducing greenhouse gas emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review requirements under CEQA. SANDAG has prepared the region's Sustainable Communities Strategy (SCS) which is a new element of the 2050 Regional Transportation Plan (RTP). The strategy identifies how regional greenhouse gas reduction targets, as established by the ARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible.

To implement State mandates to address climate change in local land use planning, local land use jurisdictions are generally preparing GHG emission inventories and reduction plans and incorporating climate change policies into local General Plans to ensure development is guided by a land use plan that reduces GHG emissions. The County of San Diego has updated its General Plan and incorporated associated climate change policies. These policies will provide direction for individual development projects to reduce GHG emissions and help the County meet its GHG emission reduction targets.

Until local plans are developed to address greenhouse gas emissions, such as a local Sustainable Communities Strategy and be the updated General Plan Policies, the project is evaluated to determine whether it would impede the implementation of AB 32 GHG reduction targets. For the reasons discussed above, (see Section VII. Greenhouse Gases (a)), the project would not impede the implementation of AB 32 reduction targets. Therefore, the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

**VIII. HAZARDS AND HAZARDOUS MATERIALS** -- Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

## Discussion/Explanation:

**Less Than Significant Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing agricultural operations. ~~As a last resort, the Ordinance would authorize the use of conventional pesticides on organic crops or fields. Therefore, the~~ The Ordinance and Program would not authorize the County to require the use of pesticides, and therefore would not involve the routine use and storage of hazardous materials. ~~Under this program as proposed DEH would only require the use of five conventional pesticides: Acephate, Malathion, Diflubenzuron, Cyromazine, and Cyfluthrin.~~

~~All of the five conventional pesticides proposed for use are State-registered, and none are State-restricted. State-registered pesticides have been reviewed by the California Department of Pesticide Regulation through an EIR functional equivalent analysis, and unless "restricted" have been determined to be safe for use state-wide, without site specific environmental review or site-specific permits, restrictions or mitigation measures, provided applicable pesticide safety laws and label restrictions are followed. The State conducted an EIR functional equivalent analysis which evaluated impacts from application of the pesticide (pursuant to the label requirements). Certification of this document allows the State and County Agricultural Commissioners (CACs) to permit the use of these products without the need to prepare an EIR (or negative declaration) on each product or permit approved. Only state-restricted pesticides require a site-specific environmental review and permit prior to application and the pesticides proposed for use to control eye gnats are not State-restricted. Therefore, as long as the pesticide is applied pursuant to the applicable pesticide safety laws and label restrictions, for CEQA purposes, the EIR functional equivalent document has determined that there will not be a significant impact on the environment. The pesticide regulatory program was submitted to the Secretary of the Resources Agency on November 1, 1979, and was certified on December 28, 1979. Notwithstanding the fact that these pesticides have been approved for use as part of the regulatory program approved by the Department of Pesticide Regulation, for purposes of this ordinance, the County has separately evaluated the impacts of the use of these pesticides within the County of San Diego, and considered the label restrictions on their use in coming to the conclusion that no significant impacts will occur as a result of the potential for these pesticides to be used to control eye gnats. Information regarding pesticide regulation in~~

~~California (California Department of Pesticide Regulation, 2001) is included as Attachment D.~~

~~Two of the pesticides proposed for use are federally restricted. The federal "Restricted Use" classification restricts a product, or its uses, to be purchased and used by a certificated pesticide applicator or under the direct supervision of a certified applicator. Consequently, these two pesticides are exempted from restricted material permitting. Similar to the State restricted materials, as long as the pesticide is applied pursuant to the label restrictions and applicable pesticide safety laws, for GEQA purposes, it has been determined to not impact the environment.~~

~~Moreover, the project will not result in a significant hazard to the public or environment because all storage, handling, transport, emission and disposal of hazardous substances will be in full compliance with local, State, and Federal regulations. The transportation of hazardous materials including pesticides is comprehensively regulated by the federal Department of Transportation (DOT). The minimal additional volume of pesticides that could be transported to abate eye gnats on selected farms in San Diego County in response to DEH orders would not have a substantial impact on the environment when managed in accordance with this DOT program. Information regarding pesticide regulation in California (California Department of Pesticide Regulation, 2001), is included as Attachment D.~~

~~Farm buildings in which pesticides are stored are required to be clearly marked with signs. In addition, an annual inventory must be provided to the Agricultural Commissioner, who provides the information to DEH for use by first responders. See Health and Safety Code section 25503.5(c). Even in an emergency (e.g., a fire), responders would have advance knowledge of where pesticides were stored, and could take feasible steps to prevent any release to the environment.~~

~~Therefore, due to the strict requirements that regulate hazardous substances outlined above and the fact that the initial planning, ongoing monitoring, and inspections will occur in compliance with local, State, and Federal regulation;~~

~~Therefore, the project will not result in any potentially significant impacts related to the routine transport, use, and disposal of hazardous substances or related to the accidental explosion or release of hazardous substances.~~

- b) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** The Ordinance and Program would apply to both unincorporated and incorporated areas of the County of San Diego, including lands within one-quarter mile of an existing or proposed school. However, the Ordinance and

Program does not propose the handling, storage, or transport of hazardous materials. Therefore, the project will not have any effect on an existing or proposed school.

~~As a last resort, the Ordinance would authorize the use of conventional pesticides on organic crops or fields, which will involve the storage and handling of hazardous substances. Under this program DEH could only require the use of these five conventional pesticides: Acephate, Malathion, Diflubenzuron, Cyromazine, and Gyfluthrin.~~

~~All of the five conventional pesticides proposed for use are State-registered, and none are State-restricted. State registered pesticides have been reviewed by the California Department of Pesticide Regulation through an EIR functional equivalent analysis, and unless "restricted" have been determined to be safe for use state-wide, without site specific environmental review or site-specific permits, restrictions or mitigation measures, provided applicable pesticide safety laws and label restrictions are followed. The State conducted an EIR functional equivalent analysis which evaluated impacts from application of the pesticide (pursuant to the label requirements). Certification of this document allows the State and County Agricultural Commissioners (CACs) to permit the use of these products without the need to prepare an EIR (or negative declaration) on each product or permit approved. Only state-restricted pesticides require a site-specific environmental review and permit prior to application and the pesticides proposed for use to control eye gnats are not State-restricted. Therefore, as long as the pesticide is applied pursuant to the applicable pesticide safety laws and label restrictions, for CEQA purposes, the EIR functional equivalent document has determined that there will not be a significant impact on the environment. The pesticide regulatory program was submitted to the Secretary of the Resources Agency on November 1, 1979, and was certified on December 28, 1979. Notwithstanding the fact that these pesticides have been approved for use as part of the regulatory program approved by the Department of Pesticide Regulation, for purposes of this ordinance, the County has separately evaluated the impacts of the use of these pesticides within the County of San Diego, and considered the label restrictions on their use in coming to the conclusion that no significant impacts will occur as a result of the potential for these pesticides to be used to control eye gnats. Information regarding pesticide regulation in California (California Department of Pesticide Regulation, 2001) is included as Attachment D.~~

~~Two of the pesticides proposed for use are federally restricted. The federal "Restricted Use" classification restricts a product, or its uses, to be purchased and used by a certificated pesticide applicator or under the direct supervision of a certified applicator. Consequently, these two pesticides are exempted from restricted-material permitting. Similar to the State restricted materials, as long as the pesticide is applied pursuant to the label restrictions and applicable pesticide safety laws, for CEQA purposes, it has been determined to not impact the environment.~~

~~Therefore, due to the strict requirements that regulate hazardous substances outlined above and the fact that the initial planning, ongoing monitoring, and inspections will occur in compliance with local, State, and Federal regulation, the project will not result in any potentially significant impacts related to the routine transport, use, and disposal of hazardous substances within one-quarter mile of an existing or proposed school.~~

- c) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or is otherwise known to have been subject to a release of hazardous substances and, as a result, would it create a significant hazard to the public or the environment?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses including existing agricultural operations. The project does not propose any activity on a site which is included on a list of hazardous materials sites or otherwise known to have been subject to a release of hazardous substances. Therefore, the project would not create a significant hazard to the public or environment.

- d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project does not propose construction of any structure equal to or greater than 150 feet in height, constituting a safety hazard to aircraft and/or operations from an airport or heliport. Therefore, the project will not constitute a safety hazard for people residing or working in the project area.

- e) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project does not propose construction of any structure equal to or greater than 150 feet in height, constituting a safety hazard to aircraft and/or operations

from an airport or heliport. Therefore, the project will not constitute a safety hazard for people residing or working in the project area.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

The following sections summarize the project's consistency with applicable emergency response plans or emergency evacuation plans.

i. OPERATIONAL AREA EMERGENCY PLAN AND MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN:

**No Impact:** The Operational Area Emergency Plan is a comprehensive emergency plan that defines responsibilities, establishes an emergency organization, defines lines of communications, and is designed to be part of the statewide Standardized Emergency Management System. The Operational Area Emergency Plan provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction that has responsibilities in a disaster situation. The Multi-Jurisdictional Hazard Mitigation Plan includes an overview of the risk assessment process, identifies hazards present in the jurisdiction, hazard profiles, and vulnerability assessments. The plan also identifies goals, objectives and actions for each jurisdiction in the County of San Diego, including all cities and the County unincorporated areas. The project will not interfere with this plan because it will not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.

ii. SAN DIEGO COUNTY NUCLEAR POWER STATION EMERGENCY RESPONSE PLAN

**No Impact:** The San Diego County Nuclear Power Station Emergency Response Plan will not be interfered with by the project due to the location of the project, plant and the specific requirements of the plan. The project does not propose new or the alteration of infrastructure, which might interfere with the implementation of emergency response plans.

iii. OIL SPILL CONTINGENCY ELEMENT

**No Impact:** The Oil Spill Contingency Element will not be interfered with because the project is an ordinance and program to abate an eye gnat nuisance. The project does not propose new or the alteration of infrastructure, which might interfere with the implementation of emergency response plans.

iv. EMERGENCY WATER CONTINGENCIES ANNEX AND ENERGY SHORTAGE RESPONSE PLAN

**No Impact:** The Emergency Water Contingencies Annex and Energy Shortage Response Plan will not be interfered with because the project does not propose altering major water or energy supply infrastructure, such as the California Aqueduct.

v. DAM EVACUATION PLAN

**No Impact:** Any Dam Evacuation Plan will not be interfered with because even though the project includes lands that are located within a dam inundation zone, the project is not a unique institution that would be difficult to safely evaluate in the event of a dam failure. Unique institutions, as defined by the Office of Emergency Services, include hospitals, schools, skilled nursing facilities, retirement homes, mental health care facilities, care facilities for patients with disabilities, adult and childcare facilities, jails/detention facilities, stadiums, arenas, amphitheaters, or a similar use. Since the project does not propose a unique institution in a dam inundation zone, the project would not impair implementation of or physically interfere with the implementation of an emergency response plan.

- g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**Less Than Significant Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The Ordinance and Program would apply to both unincorporated and incorporated areas of the County of San Diego, including lands adjacent to wildlands that have the potential to support wildland fires. However, the project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires because the project would not bring new populations or structures into wildland fire areas.

- h) Propose a use, or place residents adjacent to an existing or reasonably foreseeable use that would substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies, which are capable of transmitting significant public health diseases or nuisances?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:



**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. The project would substantially reduce community exposure to nuisances caused by eye gnats.

**IX. HYDROLOGY AND WATER QUALITY** -- Would the project:

a) Violate any waste discharge requirements?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The project does not propose waste discharges that require waste discharge requirement permits, NPDES permits, or water quality certification from the San Diego Regional Water Quality Control Board (RWQCB). In addition, the project does not propose any known sources of polluted runoff or land use activities that would require special site design considerations, source control Best Management Practices (BMPs) or treatment control BMPs, under the San Diego Municipal Storm Water Permit (RWQCB Order No. [R9-2007-0001](#)).

The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses including existing agricultural operations. ~~As a last resort, the Ordinance would authorize the use of conventional pesticides on organic crops or fields. Therefore, the~~ The Ordinance and Program would not involve known sources of polluted runoff or land use activities that would require special site design considerations. The project would not authorize the County to require the use of pesticides. This will avoid unintended potential runoff of pesticides, ~~which would include pesticides. Under this program DEH could only require the use of these five conventional pesticides: Acephate, Malathion, Diflubenzuron, Cyromazine, and Cyfluthrin.~~

~~The application of these pesticides would be regulated under federal and/or State law. This means that the impacts from application of the State-registered pesticides have been evaluated at a programmatic level in the EIR functionally equivalent analysis for the pesticide regulatory program. For federally-restricted pesticides, their use is only allowed by certified applicators according to label restrictions. Therefore, as long as label restrictions are adhered to, the infrequent application, as needed, of these pesticides would not have a significant direct or cumulative impact to water quality.~~

~~All of the five conventional pesticides proposed for use are State-registered, and none are State-restricted. State-registered pesticides have been reviewed by the California Department of Pesticide Regulation through an EIR functional equivalent analysis, and unless "restricted" have been determined to be safe for use state-wide, without site specific environmental review or site-specific permits, restrictions or mitigation~~

~~measures, provided applicable pesticide safety laws and label restrictions are followed. The State conducted an EIR functional equivalent analysis which evaluated impacts from application of the pesticide (pursuant to the label requirements). Certification of this document allows the State and County Agricultural Commissioners (CACs) to permit the use of these products without the need to prepare an EIR (or negative declaration) on each product or permit approved. Only state-restricted pesticides require a site-specific environmental review and permit prior to application and the pesticides proposed for use to control eye gnats are not State-restricted. Therefore, as long as the pesticide is applied pursuant to the applicable pesticide safety laws and label restrictions, for CEQA purposes, the EIR functional equivalent document has determined that there will not be a significant impact on the environment. The pesticide regulatory program was submitted to the Secretary of the Resources Agency on November 1, 1979, and was certified on December 28, 1979. Notwithstanding the fact that these pesticides have been approved for use as part of the regulatory program approved by the Department of Pesticide Regulation, for purposes of this ordinance, the County has separately evaluated the impacts of the use of these pesticides within the County of San Diego, and considered the label restrictions on their use in coming to the conclusion that no significant impacts will occur as a result of the potential for these pesticides to be used to control eye gnats. Information regarding pesticide regulation in California (California Department of Pesticide Regulation, 2001) is included as Attachment D.~~

~~Two of the pesticides proposed for use are federally restricted. The federal "Restricted Use" classification restricts a product, or its uses, to be purchased and used by a certificated pesticide applicator or under the direct supervision of a certified applicator. Consequently, these two pesticides are exempted from restricted-material permitting. Similar to the State restricted materials, as long as the pesticide is applied pursuant to the label restrictions and applicable pesticide safety laws, for CEQA purposes, it has been determined to not impact the environment.~~

~~Three of the pesticides proposed for use (Malathion, Diflubenzuron and Cyfluthrin) have been identified as toxic to aquatic organisms. The label for these pesticides imposes special restrictions, including requirements which prohibit direct application to water or runoff areas, a buffer zone requirement to prevent spraying closer than 25 feet to 450 feet (for ULV Aerial Application) from aquatic habitats, and a vegetated buffer strip requirement (10 feet) between treated areas and aquatic habitat. Although these pesticides are toxic, CDPR has determined that these label restrictions are sufficient to protect the environment. CDPR has not classified these pesticides as state-restricted, so no site specific environmental review or permit required prior to use in accordance with label restrictions.~~

The project's exclusion of orders to use pesticides and conformance to the ~~waste~~ discharge requirements listed above ensures the project will not create cumulatively considerable water quality impacts related to waste discharge because, through the permit, the project will conform to Countywide watershed standards in the Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP), derived from State regulation to address human health and water quality concerns. Therefore, the project will not contribute to a cumulatively considerable impact to water quality from waste discharges.

- b) Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, could the project result in an increase in any pollutant for which the water body is already impaired?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project will not allow the County to require the use of pesticides. This will avoid unintended potential pollution of water by pesticides. ~~As a last resort, the Ordinance would authorize DEH to require the use of conventional pesticides on organic crops or fields. As discussed above (see Section IX. Hydrology and Water Quality (a)), the application of these pesticides would be restricted under federal and/or State regulations.~~

~~All of the five conventional pesticides proposed for use are State-registered, and none are State-restricted. State registered pesticides have been reviewed by the California Department of Pesticide Regulation through an EIR functional equivalent analysis, and unless "restricted" have been determined to be safe for use state-wide, without site specific environmental review or site-specific permits, restrictions or mitigation measures, provided applicable pesticide safety laws and label restrictions are followed. The State conducted an EIR functional equivalent analysis which evaluated impacts from application of the pesticide (pursuant to the label requirements). Certification of this document allows the State and County Agricultural Commissioners (CACs) to permit the use of these products without the need to prepare an EIR (or negative declaration) on each product or permit approved. Only state-restricted pesticides require a site-specific environmental review and permit prior to application and the pesticides proposed for use to control eye gnats are not State-restricted. Therefore, as long as the pesticide is applied pursuant to the applicable pesticide safety laws and label restrictions, for CEQA purposes, the EIR functional equivalent document has determined that there will not be a significant impact on the environment. The pesticide regulatory program was submitted to the Secretary of the Resources Agency on November 1, 1979, and was certified on December 28, 1979. Notwithstanding the fact that these pesticides have been approved for use as part of the regulatory program approved by the Department of Pesticide Regulation, for purposes of this ordinance, the County has separately evaluated the impacts of the use of these pesticides within the County of San Diego, and considered the label restrictions on their use in coming to the conclusion that no significant impacts will occur as a result of the potential for these pesticides to be used to control eye gnats. Information regarding pesticide regulation in California (California Department of Pesticide Regulation, 2001) is included as Attachment D.~~

~~Two of the pesticides proposed for use are federally restricted. The federal "Restricted Use" classification restricts a product, or its uses, to be purchased and used by a~~

~~certificated pesticide applicator or under the direct supervision of a certified applicator. Consequently, these two pesticides are exempted from restricted material permitting. Similar to the State restricted materials, as long as the pesticide is applied pursuant to the label restrictions and applicable pesticide safety laws, for CEQA purposes, it has been determined to not impact the environment.~~

~~Three of the pesticides proposed for use (Malathion, Diflubenzuron and Cyfluthrin) have been identified as toxic to aquatic organisms. The label for these pesticides imposes special restrictions, including requirements which prohibit direct application to water or runoff areas, a buffer zone requirement to prevent spraying closer than 25 feet to 450 feet (for ULV Aerial Application) from aquatic habitats, and a vegetated buffer strip requirement (10 feet) between treated areas and aquatic habitat. Although these pesticides are toxic, CDPR has determined that these label restrictions are sufficient to protect the environment. CDPR has not classified these pesticides as state restricted, so no site specific environmental review or permit required prior to use in accordance with label restrictions.~~

The label restrictions Ordinance and Program are consistent with regional surface water and storm water planning and permitting process that has been established to improve the overall water quality in County watersheds. As a result the project will not contribute to a cumulative impact to an already impaired water body, as listed on the Clean Water Act Section 303(d). Regional surface water and storm water permitting regulation for County of San Diego, Incorporated Cities of San Diego County, and San Diego Unified Port District includes the following: Order 2001-01 (NPDES No. CAS 0108758), adopted by the San Diego Region RWQCB on February 21, 2001; County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) (Ord. No. 9424); County Storm Water Standards Manual adopted on February 20, 2002, and amended January 10, 2003 (Ordinance No. 9426). The stated purposes of these ordinances are to protect the health, safety and general welfare of the County of San Diego residents; to protect water resources and to improve water quality; to cause the use of management practices by the County and its citizens that will reduce the adverse effects of polluted runoff discharges on waters of the state; to secure benefits from the use of storm water as a resource; and to ensure the County is compliant with applicable state and federal laws. Ordinance No. 9424 (WPO) has discharge prohibitions, and requirements that vary depending on type of land use activity and location in the County. Ordinance No. 9426 is Appendix A of Ordinance No. 9424 (WPO) and sets out in more detail, by project category, what Dischargers must do to comply with the Ordinance and to receive permits for projects and activities that are subject to the Ordinance. Collectively, these regulations establish standards for projects to follow which intend to improve water quality from headwaters to the deltas of each watershed in the County. Each project subject to WPO is required to prepare a Storm Water Management Plan that details a project's pollutant discharge contribution to a given watershed and propose BMPs or design measures to mitigate any impacts that may occur in the watershed.

- c) Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

## Discussion/Explanation:

**Less than Significant Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project will not allow the County to require the use of pesticides. This will avoid unintended potential impacts to water quality or beneficial uses of water by pesticides. ~~As a last resort, the Ordinance would authorize DEH to require the use of conventional pesticides on organic crops or fields. As discussed above (see Section IX. Hydrology and Water Quality (a)), the application of these pesticides would be restricted under federal and/or State regulations.~~

~~All of the five conventional pesticides proposed for use are State-registered, and none are State-restricted. State-registered pesticides have been reviewed by the California Department of Pesticide Regulation through an EIR functional equivalent analysis, and unless "restricted" have been determined to be safe for use state-wide, without site specific environmental review or site-specific permits, restrictions or mitigation measures, provided applicable pesticide safety laws and label restrictions are followed. The State conducted an EIR functional equivalent analysis which evaluated impacts from application of the pesticide (pursuant to the label requirements). Certification of this document allows the State and County Agricultural Commissioners (CACs) to permit the use of these products without the need to prepare an EIR (or negative declaration) on each product or permit approved. Only state-restricted pesticides require a site-specific environmental review and permit prior to application and the pesticides proposed for use to control eye gnats are not State-restricted. Therefore, as long as the pesticide is applied pursuant to the applicable pesticide safety laws and label restrictions, for CEQA purposes, the EIR functional equivalent document has determined that there will not be a significant impact on the environment. The pesticide regulatory program was submitted to the Secretary of the Resources Agency on November 1, 1979, and was certified on December 28, 1979. Notwithstanding the fact that these pesticides have been approved for use as part of the regulatory program approved by the Department of Pesticide Regulation, for purposes of this ordinance, the County has separately evaluated the impacts of the use of these pesticides within the County of San Diego, and considered the label restrictions on their use in coming to the conclusion that no significant impacts will occur as a result of the potential for these pesticides to be used to control eye gnats. Information regarding pesticide regulation in California (California Department of Pesticide Regulation, 2001) is included as Attachment D.~~

~~Two of the pesticides proposed for use are federally restricted. The federal "Restricted Use" classification restricts a product, or its uses, to be purchased and used by a certificated pesticide applicator or under the direct supervision of a certified applicator. Consequently, these two pesticides are exempted from restricted-material permitting. Similar to the State restricted materials, as long as the pesticide is applied pursuant to~~

~~the label restrictions and applicable pesticide safety laws, for CEQA purposes, it has been determined to not impact the environment.~~

~~Three of the pesticides proposed for use (Malathion, Diflubenzuron and Cyfluthrin) have been identified as toxic to aquatic organisms. The label for these pesticides imposes special restrictions, including requirements which prohibit direct application to water or runoff areas, a buffer zone requirement to prevent spraying closer than 25 feet to 450 feet (for ULV Aerial Application) from aquatic habitats, and a vegetated buffer strip requirement (10 feet) between treated areas and aquatic habitat. Although these pesticides are toxic, CDPR has determined that these label restrictions are sufficient to protect the environment. CDPR has not classified these pesticides as state-restricted, so no site specific environmental review or permit required prior to use in accordance with label restrictions.~~

The label restrictions Ordinance and Program are consistent with regional surface water and storm water planning and permitting process that has been established to improve the overall water quality in County watersheds. As a result the project will not contribute to a cumulative impact to an already impaired water body, as listed on the Clean Water Act Section 303(d). Regional surface water and storm water permitting regulation for County of San Diego, Incorporated Cities of San Diego County, and San Diego Unified Port District includes the following: Order 2001-01 (NPDES No. CAS 0108758), adopted by the San Diego Region RWQCB on February 21, 2001; County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) (Ord. No. 9424); County Storm Water Standards Manual adopted on February 20, 2002, and amended January 10, 2003 (Ordinance No. 9426). The stated purposes of these ordinances are to protect the health, safety and general welfare of the County of San Diego residents; to protect water resources and to improve water quality; to cause the use of management practices by the County and its citizens that will reduce the adverse effects of polluted runoff discharges on waters of the state; to secure benefits from the use of storm water as a resource; and to ensure the County is compliant with applicable state and federal laws. Ordinance No. 9424 (WPO) has discharge prohibitions, and requirements that vary depending on type of land use activity and location in the County. Ordinance No. 9426 is Appendix A of Ordinance No. 9424 (WPO) and sets out in more detail, by project category, what Dischargers must do to comply with the Ordinance and to receive permits for projects and activities that are subject to the Ordinance. Collectively, these regulations establish standards for projects to follow which intend to improve water quality from headwaters to the deltas of each watershed in the County. Each project subject to WPO is required to prepare a Storm Water Management Plan that details a project's pollutant discharge contribution to a given watershed and propose BMPs or design measures to mitigate any impacts that may occur in the watershed.

- d) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

☐ Potentially Significant Impact

☐ Less than Significant Impact

- ☐ Less Than Significant With Mitigation Incorporated ☒ No Impact

## Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project will not use any groundwater for any purpose, including irrigation, domestic or commercial demands. In addition, the project does not involve operations that would interfere substantially with groundwater recharge including, but not limited to the following: the project does not involve regional diversion of water to another groundwater basin; or diversion or channelization of a stream course or waterway with impervious layers, such as concrete lining or culverts, for substantial distances (e.g. ¼ mile). These activities and operations can substantially affect rates of groundwater recharge. Therefore, no impact to groundwater resources is anticipated.

- e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

- ☐ Potentially Significant Impact ☐ Less than Significant Impact  
☐ Less Than Significant With Mitigation Incorporated ☒ No Impact

## Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project does not involve construction of new or expanded development that could alter the drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. The project will not alter the existing natural topography, vegetation, or drainage courses on-site or off-site.

- f) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

- ☐ Potentially Significant Impact ☐ Less than Significant Impact  
☐ Less Than Significant With Mitigation Incorporated ☒ No Impact

## Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project does not involve construction of new or expanded development that could alter the drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. The project will not alter the existing natural topography, vegetation, or drainage courses on-site or off-site.

g) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project would not create or contribute runoff. The Project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project would not change the volume of runoff from existing agricultural operations, so there would be no increased load on existing storm water drainage systems. There are no planned storm water drainage systems proposed by the project, nor does the project require such systems.

h) Provide substantial additional sources of polluted runoff?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing agricultural operations. The project would not allow the County to require the use of pesticides. This will avoid unintended potential pollution of runoff by pesticides. As a last resort, the Ordinance would authorize the use of conventional pesticides on organic crops or fields. Therefore, ~~t~~The Ordinance and Program would not involve known sources of polluted runoff or land use activities that would require special site design considerations. ~~, which would include pesticides. Under this program DEH could only require the use of these five conventional pesticides: Acephate, Malathion, Diflubenzuron, Cyromazine, and Cyfluthrin.~~



~~All of the five conventional pesticides proposed for use are State-registered, and none are State-restricted. State registered pesticides have been reviewed by the California Department of Pesticide Regulation through an EIR functional equivalent analysis, and unless "restricted" have been determined to be safe for use state-wide, without site specific environmental review or site-specific permits, restrictions or mitigation measures, provided applicable pesticide safety laws and label restrictions are followed. The State conducted an EIR functional equivalent analysis which evaluated impacts from application of the pesticide (pursuant to the label requirements). Certification of this document allows the State and County Agricultural Commissioners (CACs) to permit the use of these products without the need to prepare an EIR (or negative declaration) on each product or permit approved. Only state-restricted pesticides require a site-specific environmental review and permit prior to application and the pesticides proposed for use to control eye gnats are not State-restricted. Therefore, as long as the pesticide is applied pursuant to the applicable pesticide safety laws and label restrictions, for CEQA purposes, the EIR functional equivalent document has determined that there will not be a significant impact on the environment. The pesticide regulatory program was submitted to the Secretary of the Resources Agency on November 1, 1979, and was certified on December 28, 1979. Notwithstanding the fact that these pesticides have been approved for use as part of the regulatory program approved by the Department of Pesticide Regulation, for purposes of this ordinance, the County has separately evaluated the impacts of the use of these pesticides within the County of San Diego, and considered the label restrictions on their use in coming to the conclusion that no significant impacts will occur as a result of the potential for these pesticides to be used to control eye gnats. Information regarding pesticide regulation in California (California Department of Pesticide Regulation, 2001) is included as Attachment D.~~

~~Two of the pesticides proposed for use are federally restricted. The federal "Restricted Use" classification restricts a product, or its uses, to be purchased and used by a certificated pesticide applicator or under the direct supervision of a certified applicator. Consequently, these two pesticides are exempted from restricted-material permitting. Similar to the State restricted materials, as long as the pesticide is applied pursuant to the label restrictions and applicable pesticide safety laws, for CEQA purposes, it has been determined to not impact the environment.~~

~~Three of the pesticides proposed for use (Malathion, Diflubenzuron and Cyfluthrin) have been identified as toxic to aquatic organisms. The label for these pesticides imposes special restrictions, including requirements which prohibit direct application to water or runoff areas, a buffer zone requirement to prevent spraying closer than 25 feet to 450 feet (for ULV Aerial Application) from aquatic habitats, and a vegetated buffer strip requirement (10 feet) between treated areas and aquatic habitat. Although these pesticides are toxic, CDPR has determined that these label restrictions are sufficient to protect the environment. CDPR has not classified these pesticides as state-restricted, so no site specific environmental review or permit required prior to use in accordance with label restrictions.~~

The project's exclusion of pesticides and conformance to the waste discharge requirements listed above ensures the project will not create cumulatively considerable water quality impacts related to waste discharge because, through the permit, the project will conform to Countywide watershed standards in the JURMP and SUSMP,

derived from State regulation to address human health and water quality concerns. Therefore, the project will not contribute to a cumulatively considerable impact to water quality from waste discharges.

Refer to IX Hydrology and Water Quality Questions a, b, c, for further information.

- h) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The only potential new development would be the installation of barriers on the farm in order to control the egress of eye gnats from that particular farm. The barriers would likely consist of typical silt fencing materials and be up to 42 inches (or 3 feet, 6 inches) high. The project does not propose the construction of housing or any other structure within a 100-year flood hazard area.

- i) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project does not propose the construction of housing or any other structure within a 100-year flood hazard area.

- j) Expose people or structures to a significant risk of loss, injury or death involving flooding?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The only potential new development would be the installation of barriers on the farm in order to control the egress of eye gnats from that particular farm. The barriers would likely consist of typical silt fencing materials and be up to 42 inches (or 3 feet, 6 inches) high. Therefore, the project would not expose people or structures to a significant risk of loss due to flooding.

k) Expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The only potential new development would be the installation of barriers on the farm in order to control the egress of eye gnats from that particular farm. The barriers would likely consist of typical silt fencing materials and be up to 42 inches (or 3 feet, 6 inches) high. Therefore, the project will not expose people to a significant risk of loss, injury or death involving flooding.

l) Inundation by seiche, tsunami, or mudflow?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

i. SEICHE

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project does not propose the construction of housing or any other structure; therefore, could not be inundated by a seiche.

ii. TSUNAMI

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public.

Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project does not propose the construction of housing or any other structure; therefore, could not be inundated in the event of a tsunami.

iii. MUDFLOW

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project does not propose the construction of housing or any other structure; therefore, it is not anticipated that the project will expose people or property to inundation due to a mudflow.

**X. LAND USE AND PLANNING** -- Would the project:

a) Physically divide an established community?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. The project does not propose the introduction of new infrastructure such as major roadways or water supply systems, or utilities to the area. Therefore, the proposed project will not significantly disrupt or divide the established community.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

- |   |  |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** The project would not conflict with the provisions of any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect conservation plan, policy, or ordinance. Refer to the attached Ordinance Compliance Checklist dated May 18, 2012 for further information on consistency with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or

zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. The Ordinance Compliance Checklist is included as Attachment E.

While this program would apply County-wide, it would be implemented only in response to community complaints of nuisance impacts from eye gnats. At this time, a substantial numbers of complaints implicating organic farms as causing or had caused an eye gnat nuisance have been received for only two farms, the Bornt farm in Jacumba, which closed in June 2012, and the Be Wise Ranch farm in the City of San Diego's San Pasqual Agricultural Preserve near unincorporated south Escondido. The Be Wise Ranch is within the San Pasqual Agricultural Preserve and within the San Pasqual Valley Plan.

In the event abatement actions are taken to control eye gnats, the Ordinance does not require the cessation of farming and agricultural operations, nor the conversion of any farming operation to other non-agricultural uses. As a last resort, after the use of best management practices and eye gnat abatement measures, or the restriction on the growing of certain types of crops, the Ordinance would authorize DEH to ~~require the use of conventional pesticides~~ restrict the types of crops grown on organic crops or fields to control the eye gnat nuisance. An order to apply pesticides to organic row restrict the types of crops grown would not preclude the continuation of conventional farming techniques or the substitution of alternative organic farming practices (e.g. orchards or animal keeping); thereby, allowing agricultural uses to continue on the property. Alternative organic farming practices, which historically have not harbored or generated eye gnats, include organic orchards or animal keeping practices. The acreage registered for organic production in San Diego County is about 15% of total agricultural acreage registered for production in the County. At least 43,500 acres in the County are farmed without organic production restrictions; these operators are free to use pesticides as needed so long as they comply with state law and product label restrictions.

(Note: The percentage and acreage figures above are approximate, because registered land that is cropped multiple times in a year is counted more than once, both for organic and other crops. In addition, there are estimated to be hundreds of acres farmed in the County that have out-of-county organic registration or do not have Site Identification Numbers.)

It is clear that farming can be continued even when abatement orders are required and the use of pesticides is restriction of crops is required. ~~and that pesticide use~~ The Ordinance and Program would not require the conversion of an organic farm to a non-agricultural use. Therefore, Ordinance implementation would not result in the conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.

#### **XI. MINERAL RESOURCES** -- Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

☐ Potentially Significant Impact

☐ Less than Significant Impact

- ☐ Less Than Significant With Mitigation Incorporated ☒ No Impact

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project will not result in the future inaccessibility for recovery (extraction) of on-site or off-site mineral resources above the California Geologic Survey State Geologist threshold values for mineral resources. Therefore, no potentially significant loss of availability of a known mineral resource of value to the region and the residents of the state will occur as a result of this project. Moreover, if the resources are not considered significant mineral deposits, loss of these resources cannot contribute to a potentially significant cumulative impact.

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

- ☐ Potentially Significant Impact ☐ Less than Significant Impact  
☐ Less Than Significant With Mitigation Incorporated ☒ No Impact

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project will not result in the future inaccessibility for recovery (extraction) of on-site or off-site mineral resources above the California Geologic Survey State Geologist threshold values for mineral resources. Therefore, no potentially significant loss of availability of a known mineral resource of value to the region and the residents of the state will occur as a result of this project.

Therefore, no potentially significant loss of availability of a known mineral resource of locally important mineral resource recovery (extraction) site delineated on a local general plan, specific plan or other land use plan will occur as a result of this project.

**XII. NOISE** -- Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- ☐ Potentially Significant Impact ☐ Less than Significant Impact  
☐ Less Than Significant With Mitigation Incorporated ☒ No Impact

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. Abatement actions include the implementation of various organic farming BMPs. ~~; and, as a last resort, application of five conventional pesticides.~~ The project does not propose any noise-generating equipment. Therefore, the project will not expose people to or generate any noise levels that exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

The project's conformance to the County of San Diego General Plan Noise Element and County of San Diego Noise Ordinance (Section 36-404 and 36.410) ensures the project will not create cumulatively considerable noise impacts, because the project will not exceed the local noise standards for noise sensitive areas; and the project will not exceed the applicable noise level limits at the property line or construction noise limits, derived from State regulation to address human health and quality of life concerns. Therefore, the project will not contribute to a cumulatively considerable exposure of persons or generation of noise levels in excess of standards established in the local general plan, noise ordinance, and applicable standards of other agencies.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. The project does not propose any of the following land uses that can be impacted by groundborne vibration or groundborne noise levels.

1. Buildings where low ambient vibration is essential for interior operation, including research and manufacturing facilities with special vibration constraints.
2. Residences and buildings where people normally sleep including hotels, hospitals, residences and where low ambient vibration is preferred.
3. Civic and institutional land uses including schools, churches, libraries, other institutions, and quiet office where low ambient vibration is preferred.
4. Concert halls for symphonies or other special use facilities where low ambient vibration is preferred.

Also, the project does not propose any major, new or expanded infrastructure such as mass transit, highways or major roadways or intensive extractive industry that could generate excessive groundborne vibration or groundborne noise levels on-site or in the surrounding area.

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as exiting agricultural operations. Abatement actions include the implementation of various organic farming BMPs. ~~; and, as a last resort, application of five conventional pesticides.~~ The project does not propose any noise-generating equipment. Therefore, the project would not result in a substantial permanent increase in existing ambient noise levels in the project vicinity.

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. Abatement actions include the implementation of various organic farming BMPs. ~~; and, as a last resort, application of five conventional pesticides.~~ The project does not propose any noise-generating equipment or construction. Therefore, the project would not result in a substantial temporary or periodic increase in existing ambient noise levels in the project vicinity.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact



Incorporated

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. The ordinance and program would apply to both unincorporated and incorporated areas of the County of San Diego, including areas within an Airport Land Use Compatibility Plan (ALUCP). However, the project implementation is not expected to expose people residing or working in the project area to excessive noise levels in excess of the CNEL 60 dB(A) because the project does not propose new construction or new populations into these areas. Therefore, the project will not expose people residing or working in the project area to excessive airport-related noise on a project or cumulative level.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

- |  |   |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact        | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation | <input checked="" type="checkbox"/> No Impact         |
| <input type="checkbox"/> Incorporated                          |   |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The Ordinance and Program would apply to both unincorporated and incorporated areas of the County of San Diego, including areas within a one-mile vicinity of a private airstrip. However, the project implementation is not expected to expose people residing or working in the project area to excessive noise levels in excess of the CNEL 60 dB(A) because the project does not propose new construction or new populations into these areas. Therefore, the project will not expose people residing or working in the project area to excessive airport-related noise on a project or cumulative level.

**XIII. POPULATION AND HOUSING** -- Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- |  |   |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact        | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation | <input checked="" type="checkbox"/> No Impact         |
| <input type="checkbox"/> Incorporated                          |   |

Discussion/Explanation:

**No Impact:** The proposed project will not induce substantial population growth in an area because the project does not propose any physical or regulatory change that would remove a restriction to or encourage population growth in an area including, but limited to the following: new or extended infrastructure or public facilities; new commercial or industrial facilities; large-scale residential development; accelerated conversion of homes to commercial or multi-family use; or regulatory changes including General Plan amendments, specific plan amendments, zone reclassifications, sewer or water annexations; or Local Agency Formation Commission (LAFCO) annexation actions.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The proposed project will not displace any existing housing.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. The proposed project will not displace a substantial number of people.

#### **XIV. PUBLIC SERVICES**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance service ratios, response times or other performance objectives for any of the public services:

- i. Fire protection?
- ii. Police protection?
- iii. Schools?

- iv. Parks?
- v. Other public facilities?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The proposed project will not result in the need for significantly altered services or facilities. The project does not involve the construction of new or physically altered governmental facilities including but not limited to fire protection facilities, police facilities, schools, or parks in order to maintain acceptable service ratios, response times or other performance service ratios or objectives for any public services. Therefore, the project will not have an adverse physical effect on the environment because the project does not require new or significantly altered services or facilities to be constructed.

**XV. RECREATION**

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. The project does not propose any residential use, included but not limited to a residential subdivision, mobilehome park, or construction for a single-family residence that may increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project does not include recreational facilities or require the construction or expansion of recreational facilities and therefore, cannot have an adverse physical effect on the environment.

**XVI. TRANSPORTATION AND TRAFFIC** -- Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of the effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project will not result in any additional vehicle trips and will not alter the surrounding circulation system in any way; therefore, the project would not conflict with any applicable plan, ordinance or policy establishing measures of the effectiveness of the circulation system.

- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The designated congestion management agency for the San Diego region is SANDAG. SANDAG is responsible for preparing the Regional Transportation Plan (RTP) of which the Congestion Management Program (CMP) is an element to monitor transportation system performance, develop programs to address near- and long-term congestion, and better integrate land use and transportation planning decisions. The CMP includes a requirement for enhanced CEQA review applicable to certain large developments that generate an equivalent of 2,400 or more average daily vehicle trips or 200 or more peak hour vehicle trips. These large projects must complete a traffic analysis that identifies the project's impacts on CMP system roadways, their associated

costs, and identify appropriate mitigation. Early project coordination with affected public agencies, the Metropolitan Transit System (MTS) and the North County Transit District (NCTD) is required to ensure that the impacts of new development on CMP transit performance measures are identified.

The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project would not result in additional average daily trips (ADTs); therefore, the proposed project will not conflict with level of service standards, travel demand measures or other standards established by the county congestion management agency for designated roads or highways.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The ordinance and program would apply to both unincorporated and incorporated areas of the County of San Diego, including areas within an Airport Land Use Compatibility Plan (ALUCP) or within two miles of a public airport. The main compatibility concerns for the protection of airport airspace are related to airspace obstructions (building height, antennas, etc.) and hazards to flight (wildlife attractants, distracting lighting or glare, etc.). Adoption of the ordinance would not create any airspace obstructions; therefore, the project would not result in a change in air traffic patterns. Furthermore, the project would not exceed the FAR Part 77 criteria related to airspace obstructions. Refer also to section VIII.e Hazards and Hazardous Materials. Therefore, the proposed project will not have a significant impact on air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project will not result in any additional vehicle trips and will not alter the surrounding circulation system in any way. The proposed project will not alter traffic patterns, roadway design, place incompatible uses on existing roadways, or create or place curves, slopes or walls which impede adequate sight distance on a road.

e) Result in inadequate emergency access?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The proposed project will not result in inadequate emergency access.

f) **Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project will not result in any additional vehicle trips and will not alter the surrounding circulation system in any way. Moreover, project implementation will not result in the construction of any road improvements or new road design features that would interfere with the provision of public transit, bicycle or pedestrian facilities. In addition, the project does not generate sufficient travel demand to increase demand for transit, pedestrian or bicycle facilities. Therefore, the project will not conflict with policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

**XVII. UTILITIES AND SERVICE SYSTEMS** -- Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project does not involve any new uses that will discharge any wastewater to sanitary sewer or on-site wastewater systems (septic). Therefore, the project will not exceed any wastewater treatment requirements.

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The project does not include new or expanded water or wastewater treatment facilities or new and expanded water or wastewater services. Therefore, the project will not require any construction of new or expanded facilities, which could cause significant environmental effects.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

- |   |   |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The project does not include new or expanded storm water drainage facilities. Moreover, the project does not involve any landform modification or require any source, treatment or structural Best Management Practices for storm water. Therefore, the project will not require any construction of new or expanded facilities, which could cause significant environmental effects.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The proposed project does not involve or require water services from a water district.

- e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

**No Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. The proposed project will not produce any wastewater; therefore, the project will not interfere with any wastewater treatment providers' service capacity.

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:



**Less than Significant Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. Implementation of the project will generate a minimal amount of solid waste. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, excluding the City of San Diego, the County Department of Environmental Health, Local Enforcement Agency, issues solid waste facility permits with concurrence from the California Department of Resources Recycling and Recovery (CalRecycle) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440 et seq.). The project will deposit all solid waste at a permitted solid waste facility and therefore, will comply with Federal, State, and local statutes and regulations related to solid waste.

- g) Comply with federal, state, and local statutes and regulations related to solid waste?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

**Less than Significant Impact:** The project is an Ordinance and Program, which would allow the County authority to take abatement actions when eye gnats cause a nuisance to the public. Any potential abatement actions would occur on existing land uses such as existing agricultural operations. Implementation of the project will generate a minimal amount of solid waste. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, excluding the City of San Diego, the County Department of Environmental Health, Local Enforcement Agency, issues solid waste facility permits with concurrence from the California Department of Resources Recycling and Recovery (CalRecycle) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440 et seq.). The project will deposit all solid waste at a permitted solid waste facility and therefore, will comply with Federal, State, and local statutes and regulations related to solid waste.

#### **XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:**

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
---	--

☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

**Less than Significant Impact:** Per the instructions for evaluating environmental impacts in this Initial Study, the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in sections IV and V of this form. In addition to project specific impacts, this evaluation considered the projects potential for significant cumulative effects. There is no substantial evidence that there are biological or cultural resources that are affected or associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

☐ Potentially Significant Impact ☒ Less than Significant Impact  
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

**Less than Significant Impact:** Per the instructions for evaluating environmental impacts in this Initial Study, the potential for adverse cumulative effects were considered in the response to each question in sections I through XVIII of this form. In addition to project specific impacts, this evaluation considered the project's potential for incremental effects that are cumulatively considerable. As a result of this evaluation, there is no substantial evidence that there are cumulative effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

☐ Potentially Significant Impact ☒ Less than Significant Impact  
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

**Less than Significant Impact:** In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in sections I. Aesthetics, III. Air Quality, VI. Geology and Soils, VIII. Hazards and Hazardous Materials, IX Hydrology and Water Quality XII. Noise, XIII. Population and Housing, and XVI. Transportation and Traffic. The project will not allow the County to require the use of pesticides. This will avoid unintended potential exposure of human beings to pesticides during farming or on food crops.

~~In addition, the California Department of Pesticide Regulation (DPR) samples individual lots of domestic and imported produce and analyzes them for pesticide residues to enforce the tolerances set by the U.S. Environmental Protection Agency. Samples are collected from throughout the channels of trade, including wholesale and retail outlets, distribution centers, and farmers markets. DPR Enforcement Branch staff collects the samples, and delivers them to a California Department of Food and Agriculture laboratory where all are tested with multiresidue screens capable of detecting more than 200 pesticides and breakdown products. In addition, selected samples receive specific analysis for nonscreenable pesticides of enforcement concern. Compliance with tolerances set by the U.S. Environmental Protection Agency as enforced by DPR, ensures that pesticide-treated produce, legally applied, do not pose a health risk to the consumer of the produce.~~

~~Additionally, compliance with California Code of Regulations "Pesticides and Worker Safety Requirements" (T3 CCR, Ch. 6, Subch. 3, Group 3, Section 6700) protects the workers involved in application of pesticides and in the farm workers potentially exposed to the pesticides during their normal duties.~~

As a result of this evaluation, the impacts of this ordinance and program on human beings associated with this project are less than significant. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

## **XIX. REFERENCES USED IN THE COMPLETION OF THE INITIAL STUDY CHECKLIST**

All references to Federal, State and local regulation are available on the Internet. For Federal regulation refer to <http://www4.law.cornell.edu/uscode/>. For State regulation refer to [www.leginfo.ca.gov](http://www.leginfo.ca.gov). For County regulation refer to [www.amlegal.com](http://www.amlegal.com). All other references are available upon request.

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